



Samford University®



**2023 Annual Security Report and Annual Fire Safety Report
for Main Campus and London Study Center**

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Introduction

Samford University (referred to herein as either “Samford” or the “University”) exists to nurture persons in their development of intellect, creativity, faith, and personhood. As a Christian institution, the University community fosters academic, career, and ethical competency while encouraging social and civic responsibility, and service to others. University life is enhanced by a safe and secure campus where students, faculty, administrators, staff, and visitors can conduct activities without the threat of physical or psychological harm. In furtherance of its obligations under



applicable federal law, and to provide beneficial information to its current and prospective students, employees and others, Samford provides this combined 2023 Annual Security Report and Annual Fire Safety Report. The report informs students, prospective students, faculty, staff, and others information about crime statistics, crime prevention programs, public safety services, fire safety, and drug and alcohol policies of the University in accordance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC § 1092(f) as a part of the Higher Education Act of 1965 (the “Clery Act”). The Clery Act requires colleges and universities to make an annual disclosure of information about, among other things, campus crimes, security and safety policies. All public and private postsecondary education institutions participating in federal student financial aid programs are subject to the requirements of the Clery Act. See **Appendix A** to this report for a more detailed description of the crimes that are subject to the reporting requirements of the Clery Act.

In addition to campus crime reports and statistics, this updated report provides policy and procedure information related to campus crime, emergency procedures and notifications, alcohol and drug use, weapons, fire safety in on-campus residential facilities, and Title IX. Included are annual crime and fire statistics for the 2020, 2021, and 2022 calendar years that were reported within the University’s Clery Act geography, consisting of Samford’s campus facilities, off-campus buildings and properties owned or controlled by the University that are used by students or directly relate to Samford’s educational mission, and certain public property within or immediately adjacent to and accessible from the Samford campus. Samford collects crime statistics from campus reports, local police department reports, campus security authorities, and non-campus geographical reporting agencies.

This report is published electronically to the University community by no later than October 1 of each year and may be viewed online at https://www.samford.edu/departments/files/Public_Safety/public-safety-annual-report.pdf. A print copy of the report is available upon request made to either the Samford Department of Public Safety & Emergency Management, 800 Lakeshore Drive, Birmingham, Alabama 35229, (205) 726-2020, the Samford Title IX Coordinator or the University Office of Admissions. This report is not a contract and shall not be deemed or construed as part of any contract between Samford University and any student, faculty, employee, contractor, or other person.

Purpose Statement

This Annual Security Report provides students, employees, and guests with information about crimes and other Clery-governed sexual misconduct that occurs on Samford University campus property and other relevant non-campus and public locations that are subject to the Clery Act geography guidance in the use of such locations by Samford and its students. The report is prepared by the collection of information related to policies, procedures, and crimes occurring in such locations. Statistical information for this report is collected from:

- Campus Security Authorities
- Daily Crime Log
- Police departments and other law enforcement agencies and officials
- Municipalities in which student have enjoyed overnight accommodations or in facilities temporarily controlled by the University (e.g. meeting rooms for student academic or co-curricular activities)

Law Enforcement on Campus

The Samford Department of Public Safety and Emergency Management

The Samford Department of Public Safety and Emergency Management (“DPSEM”) is located at Room 101 in Dwight Beeson Hall on the University campus. The DPSEM is open twenty-four hours per day, seven days a week, including weekends, holidays, and semester breaks. The DPSEM staff includes Alabama Peace Officers Standards and Training (“APOST”) certified police officers, security officers, and certified police dispatchers. Successful completion of APOST training certifies that an officer meets all qualifications and training required for law enforcement in Alabama. In addition to APOST certification, officers participate in skills development programs and in-service training opportunities. DPSEM officers are authorized to investigate crimes, make arrests, enforce applicable laws, and carry the firearms that are issued to them. The DPSEM jurisdiction includes the property owned or controlled by Samford University and public streets immediately adjacent that property.

The DPSEM has 21 members including a chief, command staff, patrol officers, dispatchers, and administrative support.

The primary responsibility of the DPSEM is protecting the life and property of Samford students, faculty, staff, and invited guests. Officers patrol the campus twenty-four hours per day and provide public safety services that include campus escorts, emergency response, criminal and traffic incident reports, and providing safety awareness and crime prevention programs to the University community.

Samford relies on its beneficial relationships with local law enforcement agencies to receive information concerning off-campus incidents that involve University students. The DPSEM will actively investigate any report that it receives concerning a Samford student or employee. If the University becomes aware of alleged criminal activity that impacts or may impact the community or the campus, the DPSEM may issue an alert that raises awareness of the incident and provides guidance for avoiding or preventing similar incidents.

City Homewood Police Department

The Samford campus is located in the City of Homewood, Alabama. Samford receives support from the City of Homewood Police Department and the working relationship between DPSEM and the Homewood Police Department is excellent. The Homewood Police Department provides Samford with timely law enforcement and emergency response support, including participation in Samford’s emergency mock training exercises.

How to Report a Crime

Students, employees, contractors, and visitors are encouraged to place the “Alert Samford app” on their cell phones to rapidly contact the DPSEM at (205) 726-2020 or dial 911 to promptly and accurately report all crimes and public safety incidents. If a victim of a crime elects not to report or is unable to report such incidents, other members of the campus community are strongly encouraged to do so. Persons reporting a crime or other situation that threatens the safety of Samford students, employees, contractors, or visitors should report as much of the following known information as is possible under the circumstances:

- Their name
- Exact location of the incident
- Description of the scene
- Description of any suspects
- Description of any vehicles involved, including license numbers.

If a call to 911 is made first to report a crime or other emergency incident or situation, the DPSEM (205-726-2020) must then be promptly notified if at all possible. Reports of criminal activity will be assessed for timely warning notification and incorporation in the University’s Annual Safety Report and the Daily Crime Log.

All suspicious activity should be reported immediately to the DPSEM, even if the situation does not appear to create an emergency. Examples of suspicious activity include a person with a weapon, conduct that may be harmful to the actor or others, aberrant behavior, a person who appears to be out of place, and someone that enters the campus from an unauthorized entry location.

Campus Security Authorities

Crimes that occur within the Clery Act geography of the University must be reported to a Campus Security Authority (“CSA”) and included in the crime statistics that must be contained in the Annual Security Report. The reportable crimes are:

Criminal Offenses	
Murder and Non-negligent manslaughter	Manslaughter by negligence
Rape	Fondling
Incest	Statutory Rape
Robbery	Aggravated Assault
Burglary	Motor Vehicle Theft
Arson	
Hate Crimes (include all of the above crimes as well as Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property when motivated by one of the biases below	
Race	Religion
Sexual Orientation	Gender/Sex
Gender Identity	Ethnicity
National Origin	Disability
VAWA CRIMES	
Domestic Violence	Dating Violence
Stalking	Sexual Assault
Arrests and Disciplinary Referrals for Violation of Weapons, Drugs and Liquor Laws	
Disciplinary Action – Alcohol Violation	Arrest – Alcohol Law Violation
Disciplinary Action – Weapon Violation	Arrest – Weapon Law Violation
Disciplinary Action – Drug Violation	Arrest – Drug Law Violation

CSAs include (i) all DPSEM personnel, (ii) individuals responsible for campus security that are not DPSEM personnel, (iii) individuals and organizations specified in Samford's campus security policy as persons or entities to which students and employees should report criminal offenses, and (iv) University officials who have significant responsibility for student and campus activities, including, but not limited to, athletics, student housing, student discipline, and campus judicial proceedings. All allegations or information concerning an actual or a potential Clery Act crime that comes to the attention of a CSA must be reported by a CSA to the DPSEM either (i) in person, (ii) by telephone to (205) 726-2020, or (iii) by submitting a completed report form that can be accessed at <http://policerms.ad.samford.edu/ss/Clery2/CSA/CSA.asp>. A CSA is neither required nor encouraged to investigate an alleged incident. CSAs are not responsible for reporting information received in an indirect manner, such as overheard hallway conversations to which the CSA is not a party, information conveyed in classroom discussions, or references to an incident in a speech. In most instances, a CSA should not attempt to apprehend the perpetrator of a crime or even determine if a crime occurred. CSAs should report suspected or alleged crimes directly to the DPSEM at (205) 726-2020 or by calling 911.

In addition to all DPSEM personnel, persons employed by Samford in any of the positions named in the below chart are CSAs. These CSAs will not directly manage alleged crimes that are subject to the Clery Act, but they will assist others in reporting information to the DPSEM:

Resident Assistants (RAs)	Connection Leaders
Campus Recreation Staff	Director of Campus Recreation
Director of Greek Life	Transportation Officers
Athletic Trainers	Director of Athletics
Asst./Assoc. Director of Athletics	All Intercollegiate Athletic Coaches
AVP for Campus and Residence Life	HUB Staff
Director of Student Activities	Residence Life Staff – Asst. Directors, Coordinators,
Student Organizations' Advisor – Faculty/Staff	AVP Operation and Campus Initiatives
Coordinator of Student Conduct and Title IX Coordinator	VP for Student Affairs

Notwithstanding the foregoing information about CSAs, any Samford employee that witnesses or learns of a violation of the University Sexual Discrimination and Sexual Misconduct Policy (other than Confidential Resources as described hereinafter) must report the information to the Title IX Coordinator, a Deputy Title IX Coordinator or the DPSEM.

Confidential Reporting

Samford encourages anyone who witnesses, has been subjected to, or who becomes aware of a crime to immediately report the incident to the DPSEM. If a person wishes to first talk with someone about the situation before reporting to the University, he or she may make a voluntary report to a Confidential Resource. A report to a Confidential Resource will not constitute notice to the University of the incident and accordingly, there will be no Samford response to alleviate or otherwise respond to the alleged violence.

The Clery Act provides that campus “pastoral counselors” and “professional counselors,” when acting in those roles, are not CSAs and not required to report alleged crimes that are disclosed to them in their pastoral or professional capacities. A “pastoral counselor” is a Samford employee associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. As of the date of this report, Reverend Bobby Gatlin, the university minister, is a pastoral counselor for purposes of the Clery Act. A “professional counselor” is a Samford employee whose employment responsibilities include providing mental health counseling to members of the Samford community and who functions within the scope of his or her counselor license or certification. Professional counselors are employed by Samford and are located in University Counseling Services at Room 203 of Dwight Beeson Hall, (205) 726-2065. As of the date of this report, the professional counselors of Samford are Richard Yoakum, Shenitha Hinton, and Susie-Hannah Williams. Confidential resources are trained to assist individuals understand how and to whom an incident may be reported, including the DPSEM and off-campus law enforcement agencies.

Samford University is pleased to provide healthcare services to our campus community of students and employees. In partnership with MedHelp, Samford's on-campus Health Center is staffed by a Physician and a Nurse Practitioner during regular operating hours. Consistent with their professional licensure, the professional healthcare providers in the University Health Center and their support personnel are Confidential Resources.

The primary role of a Confidential Resource is to offer a reporter of sexual violence with support, guidance and comfort in managing trauma related to an act of violence. Information provided to a Confidential Resource is protected from disclosure without the reporter's consent, unless there is a substantial and/or imminent risk to the safety of the reporter, a victim, another community member, or the University. Confidential Resources shall provide aggregated data concerning the number of individuals to whom they provide counseling for acts of sexual violence, so long as the aggregated data does not disclose personally identifiable information or demographic information about a particular individual. Aggregated data is provided by Confidential Resources directly to the University Title IX Coordinator.



Crime Prevention and Safety Training

Samford emphasizes the dignity and worth of all members of the University community. The University endeavors to minimize or eliminate opportunities for criminal conduct on its campus. Samford encourages students, faculty, staff and guests to be responsible for their personal well-being and the safety of others. During New Student Orientation at the beginning of each fall semester, students and their families are provided information about crimes that may occur on campus and prevention resources offered by DPSEM.

Crime prevention programs are offered to students and employees on a year-round basis. The programs include instruction in basic self-defense, emergency response and evacuation procedures, crime prevention, security, and sexual assault awareness and prevention.

The campus also uses "Blue Phones" which are a network of emergency assistance phones located across the campus in well-lit areas, including parking facilities and elevators. The emergency phones have a blue light on top of the phone unit pole, which when picked up connects directly to the DPSEM and are answered 24 hours per day, seven days a week, including all holidays. Emergency phones can be used to:

- Request help
- Report a crime
- Report suspicious activities
- Request an escort
- Report any other emergency

Security monitoring cameras are installed in numerous campus locations to deter crime and enhance the safety of campus. The security monitoring cameras are recorded by the DPSEM on a 24-hour per day basis and stored as appropriate.

Campus residential facilities have building-specific security measures that may include:

- Safety patrols by the DPSEM
- Keeping exterior entry doors (other than the main lobby entrance) locked. Propping open exterior doors is prohibited. Residence lobbies are patrolled periodically by DPSEM officers.
- Resident students are provided proximity card/key access 24 hours per day
- Visitors of the opposite sex to campus residence halls are limited to scheduled visitation times and days and are required to sign in.
- Guests to resident hall must always be escorted by their host(s).

Crime statistics are reported pursuant to the Clery Act in accordance with the definitions used in the Uniform Crime Reporting System of the Department of Justice, the Federal Bureau of Investigation, the State of Alabama; and the modifications of such definitions as prescribed by the Hate Crime Statistics Act, The Higher Education Amendments of 1992, and the Violence Against Women Act of 2013 (“VAWA”) which, among other things, amends the Clery Act.

Sex Offender Registration

The Federal Campus Sex Crimes Prevention Act requires Samford to inform the campus community where it can find information on registered sex offenders. The law also requires registered sex offenders to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, have a vocation, volunteer services or is enrolled as a student. Pursuant to applicable federal guidance, students, faculty, staff, and guests can obtain information about registered sex offenders from the Jefferson County Sheriff Department at <http://www.icrimewatch.net/index.php?AgencyID=53840&disc=> or by making request at the Sherriff Office substation at 3000 Shades Crest Road, Vestavia Hills, Alabama.

Department of Public Safety and Emergency Management Services

The DPSEM provides various services intended to help create and protect a safe environment for Samford students, employees and guests, including the following:

24 Hour Emergency Response

DPSEM officers have a short response time to any location on campus and are generally the first responders to any campus incident that requires law enforcement. If the services of the City of Homewood Police Department or the City of Homewood Fire and Rescue Department are required, the DPSEM will direct the appropriate service units to the precise location of any on-campus incident.

Security Patrols

The DPSEM continuously patrols the campus in vehicles and by foot. Three vehicles are maintained by the DPSEM and used for campus patrol and safety-escort services. Campus patrols include foot patrols through University academic, recreational, food service and residential facilities.

Traffic Control and Parking Enforcement

The DPSEM enforces various policies of Samford, as well as state, county and municipal laws governing the operation of motor vehicles on campus. All rules of the road, directional signs, and instructions provided by DPSEM officers are to be observed by drivers and pedestrians on campus. The DPSEM investigates and documents all traffic accidents that occur on the campus.

Nighttime Campus Access Control Gates

The primary entrance to the Main Campus and the entrance to the College of Health Sciences close at

10:00 p.m. daily. All vehicular and pedestrian campus ingress and egress is then limited to the West Gate where a DPSEM officer is posted from 10:00 p.m. to 6:00 a.m. to monitor vehicles and individuals entering or exiting the campus.

Safety Escort Service

On-campus security escort service is provided by DPSEM officers upon request by students or employees. Security escort service may be requested by calling (205) 726-2020. Upon receiving a request, an officer is dispatched to the location of the requesting person.

Residence Hall Security Checks

DPSEM officers make routine safety and security patrols of all residence halls. The DPSEM responds to all fire alarms and other reported threats to the safety of people or property. Residence hall fire drills are conducted on regular basis to familiarize resident students with emergency evacuation procedures and exit routes.

Student Living Off-Campus

Samford does not provide off-campus housing to student organizations. Accordingly, the University does not provide security and safety patrols or other law enforcement services to off-campus student housing. All students receive campus awareness information and are encouraged to report all crimes to an appropriate law enforcement agency.

DPSEM Training and Educational Programs

The DPSEM also provides various training and education sessions intended to help create awareness within the University community potential risks and appropriate responses, including the following:

Self-Defense Training

The DPSEM offers semi-annual self-defense training to all students and employees. Participants learn situational awareness and basic self-defense tactics from experienced DPSEM officers.

New Student Orientation

During the new student orientation program, DPSEM personnel provide a safety and security presentation to parents and incoming undergraduate students. The sessions include information on crime prevention, security measures and services, and resources provided by the DPSEM to the University community.

Organization and Group Meetings

Upon request, DPSEM representatives will meet once each semester with student organizations and groups to discuss campus and personal safety, campus parking, and other matters subject to DPSEM jurisdiction.

Personal Safety Training

The DPSEM conducts workshops on personal safety and avoiding being the victim of a crime. Emails are regularly distributed on a scheduled basis to Samford employees, students and others encouraging them to be mindful of their surroundings and to always notify DPSEM of any suspicious activity.

Residence Life Staff Training

All Residence Life staff members are trained in the enforcement of residence hall security policies. The training includes lectures, seminars, webinars and video recordings provided by various Samford personnel, DPSEM representatives and other persons who are regularly involved with the safety and security of Samford students, employees, guests and facilities.

Alcohol and Drug Policy

By policy, Samford is a drug-free and alcohol-free campus. The unlawful use or possession of drugs and the possession or consumption of alcohol by faculty, staff and students are prohibited (i) on campus and (ii) in connection with or affecting any University-related activity. A violation of the drug and alcohol policy will result in discipline up to and including termination of employment for employees and expulsion for students.

Students or student organizations charged with a violation of the alcohol and drug policy will be subject to conduct violations as stipulated in the Student Honor Code. Review of an alleged violation may require the presentation and review of information, including documents and other tangible materials and witness statements, by a review panel, and the panel's rulings as to whether the charged student or student organization is responsible for the alleged policy violation. If a student or student organization is determined to be responsible for such a violation, discipline may include a formal warning, conduct and substance education, community service, counseling, probation, suspension or expulsion.

Employees are required to perform their job responsibilities in accordance with the University drug and alcohol policy. If there is cause to believe that an employee has violated the policy, he or she may be subject to testing and search of their offices and vehicles on campus. Violations of the drug and alcohol policy by employees are subject to disciplinary actions including, without limitation, formal reprimand, reassignment, demotion, counseling, suspension, and termination.

Samford students and employees who violate federal, state, and local laws that governs drugs and alcohol use may be subject to criminal prosecution. The criminal justice system operates apart from the internal disciplinary proceedings of Samford. Accordingly, the Samford processes for student or employee policy violations may proceed during the pendency of criminal charges.

The possession, purchase or consumption of alcoholic beverages by a person less than twenty-one (21) years of age is punishable under Alabama law by a fine of up to five hundred dollars (\$500) and by up to three months in jail. Drug-related criminal offenses are set forth in Article 5 of Title 13A of the Code of Alabama (1975). A first offense for unlawful possession of a controlled substance, is punishable by imprisonment of up to ten (10) years and a fine of up to five thousand dollars (\$5,000). Unlawful distribution of a controlled substance is punishable by imprisonment of up to twenty (20) years and a fine of up to ten thousand dollars (\$10,000). Subsequent offenses may result in more stringent sentences. Unlawful drug sales on or near a school campus, including the Samford campus, are subject to additional incarceration of up to five (5) years with no provision for probation. Sentencing under federal law for trafficking in illegal drugs varies depending on the type and quantity of drug.

See **Appendix A** to this report for a more detailed description of the crimes that are subject to the reporting requirements of the Clery Act.

Alcohol and Drug Education Programs

Samford regularly offers a variety of educational programs to its students and employees to provide them helpful and timely information concerning alcohol and drug use. Among those programs are the following:

- **Counseling Wellness Program:** The University Counseling Center regularly conducts programs designed to educate students about the perils of drug and alcohol addiction and how those behaviors are detrimental to a person's wellbeing. These programs are offered as requested by students and student organizations.
- **Greek Organization Training:** Samford fraternities and sororities attend annual training related to drug and alcohol use. Students receive instruction on University and organization policies governing alcohol and drugs, as well as the consequences of poor decisions, such as binge drinking, that can jeopardize the health, safety and well-being of both the drinker and others. Students also receive instruction on when and how to intervene with other students who are making unwise use of alcohol or drugs.
- **Employee Orientation:** New employees are provided information and instruction on the University's alcohol and drug policy during their orientation sessions. Employees are also notified that alcohol and drug counseling that is available through the University's wellness program.
- **Student Recruitment, Orientation, and Bulldog Days:** Samford provides education and awareness to incoming students regarding Samford policies on drug and alcohol use and possession.

Access to Residence Halls and Other Facilities

Security Considerations

Samford continually assesses campus exterior lighting. DPSEM officers also conduct routine checks of lighting during their campus patrols. If lights are nonfunctional or their output is noticeably diminished, officers will direct a work order to the Department of Facilities Management. Community members are encouraged to report any lighting deficiency in lighting to the DPSEM at (205) 726-2020 or to Facilities Management at (205) 726-2711.

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests and contractors. With the exception of residence halls, most campus facilities are open during weekdays and during customary business hours. Anyone wishing to gain after-hours or scheduled access to University buildings or property should contact Facilities Management or the DPSEM.

Access to campus residence facilities is by key lock and/or electronic key entry. Residence facilities are locked 24 hours per day. Over the last three years Samford University has worked to install electronic access to all residence halls, along with appropriate surveillance. Students are assigned to specific residence halls, apartments and rooms by the Department of Residence Life and those students have access to their respective facilities. Personnel of Residence Life and Facilities Management also have access to residence facilities and rooms. Authorized visitors and guests may request access to a residence facility in accordance with the policies and procedures of the Office of Residence Life.

The DPSEM and Facilities Management identify, repair or replace inoperative door locks on an ongoing basis. Any lock requiring repair or replacement should be reported to Facilities Management at (205) 726-2711 or to the DPSEM at (205) 726-2020. Also, Facilities Maintenance personnel correct unsafe facility conditions such as broken handrails, unsafe walkways, steps or handrails, damaged or compromised roadways, improperly stored or secured equipment and faulty electrical systems.

The University does not provide supervision or security for off-campus housing of students. All students, irrespective of the location of their school living arrangements, are encouraged to report any suspicious, dangerous or criminal behavior to the appropriate law enforcement agency. Known or suspected criminal behavior or other conduct that may pose a threat to the Samford campus should be immediately reported to the DPSEM so that a timely decision can be made concerning the issuance of a timely warning or emergency notification to the Samford community.



Residence Life Statement on Safety, Security and Liability

Student rooms in campus residence facilities are subject to a monthly health, safety and maintenance inspection by the Residence Life staff. Dates and times of the inspections are generally announced at least 24 hours in advance. Student rooms may also be searched at any time and without prior notice if there is evidence of a potential safety, security or policy violation concerning the room or its occupants. Specific search authorizations are warranted when there is cause to believe a policy violation has occurred or is occurring in a residence facility. A nonscheduled search of a student's room may be administered upon consent by a student assigned to the room or pursuant to an authorization issued by the DPSEM, the Assistant Vice President for Campus and Residential Life, the Values Advocate or the Vice President for Student Affairs.

Students living in campus residence facilities are responsible for locking their rooms at all times and for the security of their key(s). Loss of a room key(s) or an exterior building door key(s) [when issued] can require the replacement of multiple locks and keys, resulting in substantial expense to the University for which the

student is responsible. Propping open or otherwise impairing the closing and locking of exterior doors to any residence hall is forbidden. All student residents have a shared responsibility for the security of their residence hall. If any exterior door is discovered by a student to be open, unlocked or otherwise compromised, the student should immediately close and report the incident to the DPSEM or the Office of Residence Life.

Safety procedures are established for every campus building and other facility in the event of fire, tornado or other emergency condition. Students should familiarize themselves with the evacuation and safety procedures for their residence hall and respond immediately whenever they are advised that an emergency exists. The improper activation of a fire alarm and the unauthorized use of fire extinguishers or other fire-fighting equipment endangers the safety of all occupants of the building and is prohibited. Likewise, the use or possession of firearms, weapons or fireworks in a residence hall is prohibited.

Samford does not assume and expressly disclaims responsibility for loss of and/or damage to the personal property of any residence hall occupant. Students are encouraged to consider personal insurance for all personal possessions brought to the Samford campus.

Timely Warnings and Emergency Notifications

If a known emergency poses an immediate or continuing threat to the University community, the University will initiate a timely warning or an emergency notification to alert the community of the emergency.

A “**timely warning**” is a notification issued when known or suspected criminal conduct that may pose a serious or continuing threat to the University community is identified. An “**emergency notification**” is notification of a significant emergency or dangerous situation that may create an immediate threat to students or employees. An emergency notification could be issued in anticipation of inclement weather, dangerous road conditions, the occurrence of certain illnesses, a bomb threat, a terrorist incident, armed intruder, or nearby chemical or hazardous chemical or waste spill, for example.

If there is a known, verified and immediate threat to the Samford campus, the DPSEM will notify the campus by employing Samford’s RAVE communication system. RAVE sends messages by text and email and is also linked to electronic display boards throughout campus. Subsequent communications are managed by the Office of Marketing and Communications and members of the University Emergency Readiness Team, as circumstances warrant. Pursuant to Samford’s Master Plan for campus development, new technology will be progressively installed that will enable announcements over building fire alarm systems.

A timely warning is issued when a criminal incident may pose a serious or continuing threat to the University community. This may include without limitation, actual, alleged or potential crimes (as defined by Clery - federal law). Once a timely warning is deemed necessary, The University will, as soon as practical, and taking into account the safety of the community, determine the content of the notification and initiate the timely warning, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the crime. Timely warnings are sent via Samford email. Notifications are generally sent by DPSEM, but may be sent by Crisis Communications, Samford Alert, Technology Services, or other areas as warranted and in coordination with DPSEM.

The Office of Marketing and Communications tests the RAVE system at least annually by sending a text message to the campus community. The DPSEM also tests the RAVE monthly with a smaller group of message recipients. All tests of RAVE are documented and include the date, time and notification results.

DPSEM Emergency Communications

DPSEM patrols and dispatch services are provided around the clock every day and are complemented by the support that is available from various county and municipal emergency services. When necessary or appropriate, DPSEM officers and dispatchers can immediately contact the City of Homewood Fire and Rescue Department and the City of Homewood Police Department by the DPSEM radio system.

The DPSEM continually monitors the National Weather Service radio network, the Jefferson County Emergency Management Agency, and local media weather providers for current and forecasted weather conditions. Employees and students will be notified of significant weather conditions or other emergency conditions by RAVE, email, social media, and personal communications. Students and employees are encouraged to download reliable weather apps to their personal cell phones.

“Blue-light” emergency telephone units are located around campus. The locations of the emergency phones are provided at www.samford.edu/departments/files/Human_Resources/AED-and-Blue-Light-Map.pdf. When an emergency telephone is picked up, the DPSEM dispatcher is alerted, and an officer is dispatched to the telephone location. No dialing is required.

Convenient and immediate access to general emergency procedures are provided in the mobile app “**Alert Samford**” and on the Samford website.

Emergency Response and Evacuation Procedures

The National Incident Management System and Incident Command System (NIMS) provides the basic framework for Samford responses to emergency conditions. Pursuant to NIMS policies and practices, the University’s integrated emergency management plan (IEMP) establishes four groups to whom the management of the IEMP is allocated and assigned: an Executive Policy Group; Incident Command; the Emergency Operation Center; and the Emergency Readiness Team. Membership of each group is noted in Appendix B.

The IEMP is concerned with the general safety of Samford, with a particular emphasis on preservation of life, protection of property, and continuity of academic and business operations. In appropriate emergency situations, Samford will use RAVE to inform community members about the emergency condition and how they can appropriately respond to it.

Emergency response procedures have been established for every campus facility in the event of fire, tornado, active shooter, or continuous criminal activity and if circumstances otherwise require a campus or facility evacuation. These procedures are communicated during new student orientation and throughout the academic year in meetings and programs conducted by residence assistants, invited guests and DPSEM representatives. In addition, in the fall and spring semesters, students receive instruction in fire and weather readiness drills. Students are to be familiar with those procedures so they can respond appropriately when emergency conditions exist.

In a building evacuation, a fire alarm, emergency personnel, and/or RAVE communications will notify occupants to evacuate a building or other campus area. The University conducts campus-wide annual emergency drills and has residence hall fire drills in the fall and spring semesters. Fire drills require the evacuation of relevant campus buildings. In an actual or training evacuation, students, employees and others facility occupants must leave the relevant area and assemble at a designated rally point that is approximately 300 feet away from the evacuated site. Rally points are depicted in the Alert Samford app and in building emergency plans. Posters in the stairwells of every building also depict the rally point for that structure. If a full-campus evacuation is required, the DPSEM and other campus areas will guide people and vehicles in exiting the campus. All off-campus rally points are sufficiently proximate to campus to be reached by walking for those that are physically able. If a prolonged absence from campus is required, the Red Cross and area businesses and facilities may be requested to temporarily shelter students who are unable to return home or may require additional assistance.

Severe Weather Alerts

As noted above, the DPSEM monitors the National Weather Service, the Jefferson County Emergency Management Agency (JC-EMA), and other local media weather providers for alerts and other information concerning severe weather conditions. A tornado warning is indicated by the civil preparedness siren located on campus. This siren is tested on the first Wednesday of each month. A tornado warning means that a tornado has been sighted visually or by radar and that a tornado could or may exist in close proximity to the campus. When the civil preparedness siren is sounded, everyone on campus must immediately go to the lowest level of the building they are in or closest to and take shelter in interior rooms or hallways, away from windows and doors.

Missing Students Notification Procedures

The Higher Education Opportunity Act requires higher education institutions offering on-campus housing to have a policy and procedure for notifications concerning missing students. The policy must include on-campus residence halls and any other facility that is rented or leased by the University to provide student housing. Samford's missing student policy covers any student lawfully residing in any of the aforementioned facilities. The DPSEM may request assistance from other law enforcement agencies when a student is reported missing. Students are encouraged to notify the DPSEM or any other Campus Security Authority (CSA) when a student has been missing for 24 hours or more. CSAs that receive information that a student is missing must promptly notify the DPSEM.

The Clery Act allows a student living in on-campus housing to identify a contact person(s) that Samford will notify if the DPSEM determines that the student is missing. If a student designates a contact person, the DPSEM will communicate to the contact person that the student is missing. Irrespective of whether a missing student has designated a contact person, the DPSEM will investigate the student's whereabouts until information concerning the student's location and safety can be reasonably established. The person or people designated by a student as his or her contact person(s) will be accessible only to the director of residence life, assistant director of residence life, area coordinators, vice president for student affairs, and the DPSEM. The identity of the contact person shall not be disclosed by the University except in the context of a missing person investigation concerning the student. If a missing student is under 19 years of age and not emancipated, a Samford representative will notify a custodial parent or guardian within 24 hours of the time when the student is determined to be missing, as well as any other person(s) designated by the student. The DPSEM will investigate within 24 hours of a determination that the student is missing regardless of the student's age.

Who to Contact if a Student is Missing	
Campus Police Department	(205) 726-2020
Resident Assistant for the Student's Residence Hall and Floor	<i>Depends on residence location</i>
Director of Residence Life	(205) 726-2956
Vice President for Student Affairs	(205) 726-2736
Homewood Police Department	911

Within 24 hours of determining that a student is missing, the DPSEM will notify the Director of Residence Life and the Vice President for Student Affairs and will be given access to the identification and contact information for the student's designated contact person(s).

If a student living in campus housing is determined to be missing, the following actions will be taken:

- DPSEM receives notice that a student may be missing.
- The Office of Residence Life is notified to conduct a physical room and hall inspection to determine if the student is in the building.
- The contact person designated by the student (if any) is contacted to see if he or she knows the whereabouts of the student or if he or she has information that may be helpful in determining the location of the student.
- The student's class attendance is reviewed, and relevant faculty are contacted to ascertain the last

day and time that the student attended classes or completed assignments.

- The Homewood Police Department is notified within 24 hours of the determination that the student is missing, unless the student's location is established earlier.
- Within 24 hours of confirmation of a missing student, the Office of Student Affairs will contact the student's parents or legal guardian to apprise them of the student's unknown status and to obtain information that may be helpful in determining the location of the student.

Samford University Sexual Misconduct Policy

The Higher Education Amendments Act of 1992 requires that certain information regarding campus sexual assaults be reported to students annually. Samford's behavioral expectations for students are based on Christian values, including the intrinsic worth of every individual within its community. The University will not condone actions that violate or denigrate the value of any person.

Samford University's Sexual Misconduct Policy prohibits sexual misconduct such as sexual harassment, sexual assault, dating violence, domestic violence, stalking and sexual exploitation. The Sexual Misconduct Policy prohibits designated behaviors either on campus or in connection with any Samford activities by or against students, faculty, staff and others.

THE FULL TEXT OF THE SEXUAL MISCONDUCT POLICY IS ANNEXED TO THIS REPORT AS APPENDIX C AND IS INCORPORATED HEREIN BY REFERENCE. ALL SAMFORD STUDENTS AND EMPLOYEES SHOULD READ AND BE FAMILIAR WITH THE FULL POLICY TEXT.

Pursuant to the Sexual Misconduct Policy, Samford responds to allegations of sexual misconduct according to the severity or pervasiveness of the offense and the threat it poses to an individual and the university community. Individuals found responsible for violations of this policy may face disciplinary sanctions up to and including university expulsion (for students) and termination of employment (for faculty, staff and other non-student employees). Retaliation against an individual who makes a report, participates in a resolution process, or assists as a bystander to prevent sexual misconduct is also prohibited. Community members that engage in retaliation will be subject to disciplinary action.



How to Report Violations of the Sexual Misconduct Policy

Anyone who experiences or becomes aware of sexual misconduct should immediately report the incident to any of the following offices:

To the University (report ALL incidents to the Title IX Coordinator):

- **Lisa Overton**, Title IX Coordinator
Samford Hall, Room 307, (205) 726-2764, titleix@samford.edu
- **Monique Witherspoon**, Deputy Title IX Coordinator
Orlean Bullard Beeson Hall, Room 202A, (205) 726-4456, mwithers@samford.edu
- **Joel Windham**, Deputy Title IX Coordinator
Samford Hall, Room 301, (205) 726-2837, jwindham@samford.edu
- **Michelle Durban**, Deputy Title IX Coordinator
Pete Hanna Center, Room 3014, (205) 726-4562, mldurban@samford.edu
- **Online:** [Sexual Misconduct Report Form \(maxient.com\)](https://www.maxient.com)

To Law Enforcement (in case of emergency):

- Samford University Department of Public Safety and Emergency Management **(205) 726-2020** for on-campus emergencies.
- **911** (for other and all off-campus emergencies).
- Homewood Police Department **(205) 332-6200**.
- Jefferson County Sheriff's Office **(205) 325-5700** (incidents in unincorporated areas of Jefferson County, Alabama).

In addition to the Sexual Misconduct Policy, students are provided the Student Handbook that includes the Samford University Honor Code, the student conduct code that establishes behavioral expectations and the conduct that is foundational to those behaviors. Through activities such as student orientations, residence hall programs, fraternity and sorority educational events, employee training and online resources, students are informed of Samford's values and behaviors that are inconsistent with University policy, including sexual misconduct. The procedure for a student to report sexual misconduct is also set forth in the Student Handbook.

Assistance to Persons Impacted by Sexual Misconduct

When an alleged violation of the Sexual Misconduct Policy is reported, the Title IX Coordinator will provide students and employees impacted by the incident with information about various academic, living, and employment accommodations, along with other supportive measures and health and safety resources and how those measures may be requested. Examples of accommodations include reasonable modifications of class schedules, housing assignments, work schedules, and dining schedules. Adjustment decisions are based on the nature of the offense, unavoidable contact that would result if no modification is made, and the perseverance of the academic, social and work environments on campus. Information is also provided about programs and services existing on and off campus. Examples include descriptions and contact information for counseling, victim advocacy, student financial aid, law enforcement, and health and well-being.

Amnesty

Samford intends to remove any barriers to reporting acts of Sexual Misconduct. It is therefore appropriate that anyone who has been the subject of Sexual Misconduct to report the conduct and that witnesses share what they know about the alleged incident. To encourage reporting, people who report or who are subject to Sexual Misconduct may not be subject to disciplinary action for a related violation of a Samford policy involving alcohol or drugs, including their personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk.

Confidentiality

A person reporting an incident of sexual misconduct may request confidentiality and that the University not pursue investigation or formal resolution of the allegation. In such cases, Samford will maintain confidentiality to the extent permitted by law and consistent with the safety and wellbeing of the Samford community. Nevertheless, the University reserves the right to review any alleged sexual misconduct as necessary to protect Samford students, employees and others. In such instances, the nature of an allegation and the identity of the reporting person may be disclosed by the University as is appropriate under the circumstances.

Judicial Protection Orders

Persons who are involved in altercations and other acts of actual or threatened violence may seek an order from the Jefferson County Family Court to restrain the physical and verbal presence of others. Any such orders will be enforced by Jefferson County Sheriff Department, the Homewood Police Department and the DPSEM as permitted by their respective jurisdictions.

Title IX Coordinator, Title IX Investigators, and Review Panel Training

The Title IX Coordinator and Title IX Investigators receive annual training related to Title IX and VAWA by national agencies such as NCHERM and ATIXA. They also participate in webinars and seminars on Title IX policy development and enforcement, including rules for adjudications, eliminating bias in the review process, fundamental fairness, due process, establishing credibility, witness interviews, and making determinations of responsibility. The Title IX Coordinator receives national training twice a year and plans training opportunities for the panel members that review charges of violations of the Sexual Misconduct Policy.

Sanctions for Sexual Misconduct Policy Violations

A student determined to be responsible for a violation of the Sexual Misconduct Policy is subject to disciplinary measures that are based upon a variety of factors such as the nature of the offense, the impact of the conduct on others, the egregiousness of the behavior, and prior conduct violations.

Sexual Violence Prevention and Awareness Campaigns

Samford offers programs and initiatives to eliminate acts of violence on campus and increase awareness of violence against others. These offerings promote healthy relationships and provide education about behaviors that are indicative of or may result in relationship violence. Topics include sexual misconduct, sexual assault, healthy relationships, self-defense, personal safety, bystander intervention and sexual consent. Each program is structured to meet the needs of specific audiences and most encourage audience participation and critical thinking. Examples include:

- **Title IX Reporting:** An online resource providing students with information on sexual assault and relationship violence, considering their unique perspectives and experiences.
- **Pamphlets and Brochures:** The Title IX Office distributes and makes available brochures and pamphlets to students and employees on sexual assault awareness and prevention techniques.
- **Self-defense Training:** Offered DPSEM officers to raise situational awareness and teach basic self-defense techniques.
- **Alert! Samford:** Immediate electronic access to information concerning violence prevention and sexual assault include confidential advisors and Title IX Coordinator contact information.
- **Bystander Intervention Training:** DPSEM offers instruction to various campus groups throughout the year on how to intervene in potential sexual harassment situations.
- **Title IX Week:** The Title IX Office engages the campus community annually by coordinating a weeklong series of events highlighting the work of Title IX on campus. Title IX Week includes training, prevention, and awareness activities for all students, faculty and staff.
- **Social Media:** The Title IX Office maintains a social media page where students, faculty, and staff can easily become knowledgeable and access important safety information in a popular, user friendly and anonymous environment.
- **Speaker Events:** The campus community is invited to participate in on-campus speaker events to learn more about Title IX reporting, as well as preventing sexual assault and relationship violence.

Samford employees are provided education and awareness training by online video and campus newsletters. Employee orientation includes information and awareness training on sexual harassment in the workplace and reporting acts of sexual harassment or discrimination on campus or otherwise within a Samford program or event.

Bystander Intervention

Illegal or unwanted conduct can often be prevented or mitigated by the action of one or more persons who are observers. Observers or bystanders are often the largest group of people involved in acts of relationship violence. Webster's Dictionary defines a bystander as "one who is present, but not taking part in a situation or event; a chance spectator." In terms of relationship violence, a bystander can be either (i) a person who is aware that an assault is occurring or has knowledge that an assault will occur, (ii) a person who observes an assault or witnesses an attempted assault, or (iii) a person who has information about an assault that has already occurred. By engaging, even slightly, in a violent situation a bystander may be able to prevent a potential assault or assist a victim by getting help. Effective bystander intervention techniques may include the following:

Watch Out for Friends and Fellow Students

If a friend or acquaintance does or says something inappropriate, tell him or her to stop. Make it clear that his or her behavior is inappropriate. Likewise, when a person sees someone who appears to be in trouble, say something; ask him or her if he or she is okay.

Speak Up. Be a Voice.

Samford University Title IX Office has adopted the slogan, "Speak Up. Be a Voice." with scriptural reference to Proverbs 31:8. Members of the Samford community are encouraged to speak up and be a voice for the voiceless. When a bystander sees someone doing or saying something that is not right, let the person know the behavior is wrong and, if the behavior does not stop, law enforcement or other appropriate authorities will be contacted. Do not laugh at racist, sexist or homophobic jokes. Challenge friends, acquaintances and others to be respectful of other people, notwithstanding their different appearances, backgrounds or customs.

Be Respectful

Members of the Samford community should model appropriate behavior. Good behavior and respectful decisions are great guides for others to emulate.

Create a Distraction

If a friend or acquaintance is harassing someone, intervention may be successfully accomplished by creating a distraction. This may include asking the friend a question or requesting that he or she accompany you to a different location. If the harassment is by a stranger, from a distance ask the individual for directions or for the time. The goal of distraction is to provide the victim an opportunity to move away and to provide the abuser a chance to refocus his or her thoughts.

Silent Stare

One of the most powerful actions a person can take is to provide a disapproving stare. The use of the stare communicates to the perpetrator that he or she is being watched and that his or her behavior is wrong.

Get Help

Victims of violence often are confused and incapable of making rational decisions after an assault. A bystander can assist a victim by providing reassurance and staying with the victim until professional assistance is obtained. A bystander should also be willing to get help for the victim.

Risk Reduction Techniques that May Assist in Sexual Assault Prevention

Although there is no way to eliminate all risk of being the victim of a sexual assault, students and employees should be mindful of and observe cautionary measures, including the following:

- **Be Aware of Surroundings.** Know where you are and who is available to assist you if caught in a bad situation.

- **Do Not Become Isolated.** Do not let yourself be isolated with a person you do not know or trust.
- **Trust Your Instincts.** If you feel uncomfortable in a situation, leave immediately.
- **Resist Coercion.** Do not be persuaded to remain in a situation or participate in an activity that you do not agree with.
- **Be Prepared.** Always have your fully charged cell phone with you and enough money for cab fare or an uploaded transportation app such as Uber or Lyft.
- **Go with a Group.** When attending a social event, go with a group. Arrive together, check with each other throughout the event, and make sure that all of you leave together.
- **Be Extremely Cautious When Alcohol Is Present.** You should refrain from drinking alcoholic beverages. If you do drink (whether alcohol or not), take the following precautions:
 - * Never leave your drink unattended
 - * If you do leave your drink, pour it out and get another
 - * Do not accept a drink from anyone you do not know and trust
 - * If you choose to accept a drink from someone at a bar, watch the drink being poured and carried to you. At parties, do not drink from punch bowls or open containers. Do not accept an open beer or drink from someone you do not absolutely trust.
- **Watch Out for Each Other.** If your friend seems out of control or intoxicated, get him or her to a safe place immediately. Do not allow the person to be separated from you.

Campus Crime Statistics

The following information provides statistics of crimes reported to the DPSEM, local law enforcement agencies, and Campus Security Authorities. In this section crime statistics are presented in accordance with Clery guidelines for geographical locations: on-campus property, foreign campus property and off-campus property.

The Clery Act defines on campus property as “any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the areas identified that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). On-campus property is in reference to University property located at 800 Lakeshore Drive, Homewood, Alabama, 35229. The following charts provide information related to three-year crime statistics that occurred on the main campus located on Lakeshore Drive and non-campus property.¹

Three Year Crime Statistics – Homewood, Alabama (Main Campus)

The chart below provides three-year crime statistics for crimes reportable pursuant to the Clery Act that occurring within the Clery geography of the Main Campus of the University.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter, non-negligent	0	0	0	0	0	0	0	0	0	0	0	0

¹ The Clery Act requires Samford to make a reasonable, good-faith effort to obtain law enforcement statistics for crimes that occurred on any area included in the University’s Clery Act geography: on campus, public property and non-campus locations. Samford has made such requests of each of the local law enforcement agencies having jurisdiction of properties located in the University’s Clery geography. The Clery Act does not require local law enforcement agencies to provide crime statistics to Samford. Samford did not receive any reports of Clery reportable crimes from law enforcement agencies contacted in regard to its non-campus property (i.e. hotels and other locations Samford rents for use by its students).

Manslaughter, negligent	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	0	1	2	0	1	0	0	0	0	0	0
Fondling	0	0	2	0	0	2	0	1	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	1	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	3	0	2	3	1	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	0	0	0	0

The chart below provides three-year campus statistics for arrests and disciplinary actions concerning liquor, drugs or weapons occurring anywhere within the Clery geography of the Main Campus of the University.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Alcohol Law Violation – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Violations – Disciplinary	74	93	31	74	93	31	0	0	0	0	0	0
Drug Law Violation – Arrests	1	2	2	1	2	2	0	0	0	0	0	0
Drug Violations – Disciplinary	1	13	5	1	13	5	0	0	0	0	0	0
Weapons Law Violations – Arrests	0	0	0	1	0	0	0	0	0	0	0	0
Weapons Violations – Disciplinary	0	0	0	0	0	0	0	0	0	0	0	0

The chart below provides three-year statistics for incidents of crimes reportable pursuant to VAWA that occurring within the Clery geography of the Main Campus of the University.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

The chart below provides three-year statistics for any hate crimes occurring within the Clery Geography of the Main Campus of the University.

Criminal Offense	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0

Incest	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Larceny	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0

Three-Year Crime Statistics - Perry County Study Center (Marion, Alabama)

In December 2005, Samford purchased real estate in Marion, Alabama known as the Holley House, and located at 104 West Monroe Street, to serve as a base of operations for the University's ongoing involvement in the Black Belt region of Alabama. Holley House is a 2,400 square-foot, 1.5 story brick structure on a large lot near the center of the city where the University was founded in 1841 as Howard College. The property serves as a place of study for students participating in certain field programs of the University's College of Health Sciences. The chart below provides three- year statistics for crimes reportable pursuant to the Clery Act occurring within the Clery geography of the Perry County Study Center.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter, non-negligent	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter, negligent	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0

The chart below provides three-year statistics of arrests and disciplinary actions concerning liquor, drug and weapons occurring within the Clery geography of the Perry County Study Center.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Liquor Law Violation – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations – Disciplinary	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations – Disciplinary	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations – Disciplinary	0	0	0	0	0	0	0	0	0	0	0	0

The chart below provides three-year statistics for crimes reportable pursuant to VAWA occurring within the Clery geography of the Perry County Study Center.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Sexual Assault	0	0	0	0	0	0	0	0	0	0	0	0
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The chart below provides three-year statistics for Hate Crimes occurring at the Perry County Study Center.

Criminal Offense	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Larceny	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0

Annual Fire Safety Report for the Main Campus (Homewood, AL)

This Annual Fire Safety Report is published by Samford University (“Samford” or the “University”) in compliance with the Higher Education Opportunity Act of 2008. Samford has 29 residence halls and apartments that are dedicated to student housing. Included in this report are descriptions of the fire equipment in each residence hall and apartment, and three- year statistics concerning the number of fires in the University’s student housing. The report also describes Samford’s fire safety education and training, fire evacuation policies and procedures, fire safety violations, and certain definitions related to fire safety.

Definitions

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Cause of fire: The factor or factors that give rise to a fire. These factors may be, among other things, an intentional or unintentional action, mechanical failure, or act of nature.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured because of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death: Any instance in which a person dies (i) as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or (ii) within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. Fire safety systems include sprinkler systems and other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert to the presence of a fire such as alarms, bells or strobe lights, smoke-control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

Residence Hall Fire Safety Equipment



All residence halls have smoke detectors, and most halls and apartments are equipped with sprinkler systems and a fire alarm control panel. These are connected to the central alarm system which is connected to the Department of Public Safety and Emergency Management (DPSEM).

Residence halls with community kitchens (Beeson Woods, Central Campus, and West Campus) are equipped with a fire suppression system that is installed over the cook stove. In apartments and suites equipped with a kitchen, a fire suppression

system is installed above each stove. Certain rooms across campus are equipped with strobe lights for those students with hearing impairments. The strobe lights are connected to the central alarm system. All suites/apartments are equipped with smoke detectors. Each residence hall floor is equipped with fire extinguishers.

Tampering with fire safety equipment or setting off a false alarm is against the law and may render the fire safety system ineffective, thereby endangering lives. Anyone that intentionally or carelessly initiates a false alarm, interferes with the operation of the alarm system, or impairs any function of the alarm system (e.g. fire extinguishers, smoke detectors, strobe lights, exit signs) will be subject to disciplinary action, which may include dismissal from campus housing or suspension from the University, as well as potential criminal prosecution. If a smoke detector is detached from the wall for any reason, it is the responsibility of the resident to report it immediately. If not reported, all residents will be held responsible for tampering with fire safety equipment and will be subject to discipline. A complete list of fire safety equipment in each residence hall and apartment is provided in Appendix D of this report.

In compliance with state and local fire regulations, and for fire safety education purposes, unannounced fire drills are conducted in the Fall and the Spring semesters. Two unannounced fire drills were conducted in the 2019 calendar year. During fire drills, all occupants of a residence hall are required to evacuate the building. Failure to evacuate may result in disciplinary action. During the 2019 calendar year, the Office of Residence Life department and the DPSEM conducted 56 fire drills for University residence halls and apartments (see Appendix D).

Description of Fire Equipment in Student Housing

On-Site Fire Monitoring: All residence halls and apartments are equipped with independent central monitoring systems that immediately notify the City of Homewood Fire Department that a fire has occurred in a residential unit.

Sprinkler Systems: All residence halls and apartments are equipped with a pressure water sprinkler system that is fire- sensor activated.

Fire Suppression System: Some residence halls and apartments have ovens that are equipped with fire suppression systems. The system will initiate immediately in the presence of intense heat or fire from the stove.

Smoke Detection: Electronic smoke detectors are installed in residence hall rooms, hallways, laundry rooms, mechanical rooms, and study rooms. Notification of activation of a device is sent to the DPSEM and the City of Homewood Fire Department.

Fire Extinguishers: Manual fire extinguishers are installed in the public area of all residential units. The fire extinguishers are inspected by the Facilities Services personnel and are serviced and replaced as needed.

Audio and/or Visual Device: Emergency notification and evacuation systems are equipped with audible horns and strobe lights in the hallways and public areas of residence halls. The bedrooms of students with certain physical limitations are equipped with strobe lights.

Evacuation Plans and Placards: Evacuation plans are established for all University buildings, including residence halls. These plans and other emergency procedures are communicated to students during orientation and in building meetings with Resident Assistants. The University emergency readiness team also communicates each semester with community members about safety and emergency procedures.

Residence Hall Emergency Evacuation Procedures

In the event of a fire, the affected residence facilities are evacuated to protect the health and safety of the residents, guests and visitors. When an alarm sounds, occupants must assume there is an actual emergency and respond as follows:

- 1. Do not just open your door.** Check your door to see if it is hot by using the back of your hand. Be sure not to touch the doorknob, as it could be very hot. If the door is hot, go to step 6. If the door is not hot, proceed to step 2.
- 2. Carefully open your door.** Quickly scan the hall for signs of smoke and fire. If you see smoke or fire, go to step 5. If there is no smoke or fire, proceed to step 3.

3. Knock loudly only on the doors between your room and the emergency exit. Evacuate your residence hall through the nearest safe exit, vocally alerting other occupants of the emergency. Assist any disabled persons in evacuating and be sure to check doors for heat before opening them. If you see smoke or fire, go to step 5.

4. Evacuate everyone on your hall to the designated area outside. Take the roster provided to you at the beginning of the semester so you can identify anyone missing from your group. Move everyone 500 feet from the building and keep streets and entrances clear. In case of inclement weather, evacuate to the nearest building lobby.

5. If there is smoke or fire in the building. Do not stay in the building if you see fire or smoke; it is the responsibility of each resident to evacuate the building when the alarm sounds. Crawl out through the nearest safe exit taking a damp towel with you (if possible) to cover your nose and mouth. Stay close to the floor. If all exits are blocked, go to step 7.

6. Opening hot doors. Avoid opening hot doors. If you attempt to open a hot door, cover your hand with a damp cloth before touching the doorknob and brace yourself low, with your back against the door, and open the door slowly.

7. If all exits are blocked. If all exits are blocked, go to a safe room in the building, pack the door frame with wet towels or sheets, keep a damp towel for your face, open the window (top and bottom if possible) and yell and wave a towel or piece of clothing out the window to attract attention. Stay close to the floor if smoke enters the room.

8. After you exit. After evacuating, proceed directly to the designated assembly point away from the building and do not re-enter the building until you are instructed to do so by a DPSEM officer or Homewood Fire and Rescue.

9. Occupants requiring assistance. Individuals with disabilities may need assistance or special procedures to evacuate effectively. Anyone requiring assistance during an evacuation should inform other individuals, especially counselors and Residence Life staff members that assistance may be required. One suggestion is to utilize the buddy system. During the first few days of a new campus job and classes, discuss with others your need for a "buddy" if there is a fire alarm. Obtain several buddies in every campus location where you may be during an alarm and discuss your evacuation plan with your buddies (especially counselors and Resident Life staff members). Explain what type of assistance you will need, and then plan and practice an evacuation. If possible, your buddies should confirm your location, capabilities and need for assistance during a fire alarm (however, not at the risk of injury). Your buddy should inform the DPSEM or the Homewood Fire and Rescue of your need for assistance, your evacuation plan, and your location during an emergency.

A person using a wheelchair in an evacuation should be taken to an area of rescue assistance (usually stairwell landings). This requires the buddy to notify the DPSEM or the Homewood Fire and Rescue of the person's location once they reach the assembly location outside. If a mobility-impaired individual is alone, he or she should dial (205) 726-2020 or 911 and inform the dispatcher of his or her location, inability to evacuate and/or area where rescue assistance is needed. Persons with mobility impairments but not requiring a wheelchair should evacuate the building by allowing traffic to pass in areas like stairwells. Persons with mobility limitations may elect to remain in place and request assistance by contacting the DPSEM or call 911, providing their location if there is no sign of imminent danger.

Individuals with visual impairments may require the assistance of a buddy in an evacuation. If a visually impaired person is unable to evacuate alone, he or she should call the DPSEM at (205) 726-2020 or call 911 and inform the dispatcher of his or her location and the inability to evacuate without assistance. Once occupants have evacuated the building, they should go to a pre-designated location where a headcount will be made by a Residence Life advisor or other designated person. Occupants should promptly notify the DPSEM of occupant of the building requiring assistance. The building representative or some other supervisory personnel should notify the DPSEM of occupants unaccounted for during the evacuation. Occupants should remain outside and away from the building until given further instructions from Homewood Fire and Rescue or the DPSEM.

Fire Safety Appliance Guidance for Student Housing

The safety of the campus housing facilities is a subject of emphasis by the Residence Life Department with the student residents. A limited number and kinds of appliances are permitted in student housing only if they pose no undue safety risk, include no exposed heating elements and do not unnecessarily over utilize utility service to the building. Appliances that create undue safety risks are not permitted in campus residential facilities. The Residence Life Department will prohibit the presence of any appliance that it determines to be an unreasonable safety risk. All appliances must be UL approved. Open flames (e.g. candles, incense, kerosene lamps) and incendiary devices are not prohibited in all student housing facilities. Smoking, including e-cigarettes, is likewise prohibited in the residence halls, including their balconies and vestibules. Smoking is restricted to designated outdoor areas.

Approved Appliances	Unapproved Appliances
Hotpots with non-exposed coils	Window AC units
Microwaves	Ceiling Fans
Televisions	Hot Plates
Hair Dryers	Torchiere halogen lams
Clocks	Window appliances
Computers	Sun Lamps
Desk Lamps	Toasters/toaster oven
Fans	Space Heaters
Refrigerators (small – 4.5 cubic or smaller)	George Foreman Grills (Traditional Halls)

How to Report a Residence Hall Fire

In the event of a fire in student housing, response time is of critical importance. To report a fire, students, employees and other persons should immediately dial 911. To ensure that all fires are properly documented in the Annual Fire Safety Report, students, faculty and employees must notify the DPSEM or a Residence Life staff member of any fire occurring in any student housing structure.

WHO SHOULD BE CONTACTED IN EVENT OF FIRE	
Police/Fire/ Medical Emergency	911
Samford Public Safety Department	205-726-2020
Residence Life Department	205-726-2956
Samford Facility Services Department	205-726-2711

Ongoing Fire Safety Improvements

Samford is continually improving fire safety awareness, procedures, and systems. Older fire alarm and fire suppression systems are replaced, and buildings are retrofitted with updated systems, as facility renovations occur. All newly constructed student housing facilities are equipped with sprinkler systems.

Fire Safety Log

The DPSEM maintains a Fire Log in which campus student housing fires are recorded chronologically by date. The Fire Log for the most recent 60-day period may be inspected at the DPSEM office during normal business hours. The University will also make available to the public any portion of the Fire Log that is more than 60 days old within two business days of a request for inspection. The Fire Log for the current year and the immediately preceding two years may be reviewed upon request by calling (205) 726-2020.

Anyone may have access to the Fire Log, whether or not they have any association with the University. The Fire Log may also be accessed online at http://policerms.ad.samford.edu/ss/Clery2/Logs/CL_Fire.asp

The Fire Log includes the date and time of the report, the date and time of the fire, the nature (cause) of the fire, and the general location of every fire that occurs in on- campus student housing that is reported to the DPSEM. Fires are posted in the Fire Log within two (2) business days of receiving a report of the fire. All incidents of fire occurring in University student housing and reported to the DPSEM during 2017, 2018

or 2019 are identified in chart beginning on the following page. The information may also be viewed at https://www.samford.edu/departments/files/Public_Safety/public-safety-annual-report.pdf. During the 2019 calendar year, there were no reported fire incidents in the University's student residence halls.

Fire Safety Education and Training Programs

After a building fire, an after-action review (AAR) is conducted as soon as possible in accordance with the Samford University Integrated Emergency Management Plan (IEMP). The AAR is coordinated by the Emergency Manager or the Director of Public Safety. The Emergency Readiness Coordinator records notes of the AAR and reports and track improvements.

Training for Non-Residential Buildings: In accordance with the IEMP, emergency drills are conducted in non-residential buildings on a bi-annual basis. The drills include, at a minimum, fire, evacuation and shelter-in-place exercises. Local response agencies are included in the exercises depending upon their interest and availability.

Training for Residential Housing Units: Emergency preparedness training is periodically provided to students and employees by the Emergency Readiness Team, the Director of Public Safety, the Director of Human Resources Director, and others. Training videos are distributed to campus to outline emergency tools and procedures. Residence Life Staff completes fire training each year during staff training. This fire training includes instructions on when, where, and how to evacuate the student residence buildings and hands-on fire extinguisher training. Resident Assistants also cover fire alarm procedures at hall meetings with residents at the beginning of each academic year. Residents practice these procedures during scheduled fire drills each semester. Samford's emergency education and training policies and procedures are at pages 20-21 of the IEMP. The IEMP is a proprietary document that is not published for public consideration. Samford students and employees may access the IEMP on the Samford website at <https://www.samford.edu/departments/emergency-readiness/resources> and then entering the Username and Password.



Three Year Residence Halls and Apartments Fire Statistics Main Campus (Homewood) and Holly House (Marion)

Main - Campus Residence	Reported Year	Fire Statistic	Number of Injuries Due to Fires	Number of Deaths Due to Fires	Cost of Property Damage Due to Fire	Cause of Fire
Currie Way House 530 Currie Way	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Alpha Delta Pi Sorority House 420 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Chi Omega Sorority House 414 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Dwight Hall 224 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Ethel Hall 235 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Evergreen Hall 211 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
James Hall 100 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Lucille Hall 212 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Luther Hall 204 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Malcolm Hall 108 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Marvin Hall 239 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Mountainview Hall 410 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Orlean Hall 228 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Phi Mu Sorority House 412 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Pi Kappa Phi Fraternity House Private - 608 Shelbourne Lane	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A

Pittman Hall 101 Talbird Circle	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Ralph Hall 200 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Rosa Hall 231 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Sigma Chi Fraternity House 416 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Sigma Nu Fraternity House 416 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Smith Hall 844 Montague Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Student Apartments 400 Odom Circle	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Theta Alpha Hall 600 Shelburne Lane	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Thorne Hall 200 Odom Circle	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Treetop Hall 201 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Tri Delta Hall 404 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Vail Hall 852 Montague Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Wesley Hall 112 Gerow Hodges Drive	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
West Village Apts. 100 Odom Circle	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
West Village Apts. 300 Odom Circle	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Zeta Tau Alpha Sorority House 418 Neal Road	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A
Non-Campus Residence						
Holly House Marion Alabama	2020	0	0	0	0	N/A
	2021	0	0	0	0	N/A
	2022	0	0	0	0	N/A

Samford University Daniel House – London Combined Annual Security Report and Annual Fire Safety Report

Introduction

Samford University was founded in 1841 as Howard College in Marion, Alabama. As a Christian university, the community fosters academic, career and ethical competency, while encouraging social and civic responsibility and service to others. Samford offers associate, bachelor, master's and professional doctorate degrees, as well as continuing education and various types of worthwhile, non-degree learning. For 178 years, Samford and its students have impacted the world with their academic achievement and leadership skills. At the University's core is a foundation of Christian values and beliefs, a mission to nurture persons for God, for learning, and forever that has withstood the test of time. Because of the united dedication to this mission, Samford students discover that professors, administrators, and staff encourage them to reach their highest potential intellectually, spiritually and socially. The rewards are numerous and the impact on individual lives is endless.



The Daniel House

Studying abroad is a unique educational experience that provides global learning opportunities that are critical to a student's success in the 21st century. Students who have studied abroad have greater intercultural understanding, better grasp of the complexity of global issues and are better equipped to work with people from other countries. Studies have shown a positive correlation between students who study abroad and higher-grade point averages and degree completion rates.

As part of its commitment to internationalization of the curriculum, Samford provides opportunities for students and faculty to live and study in one of the most cosmopolitan and culturally rich cities in the world – London. Daniel House in London serves as a home and classroom for Samford students and faculty. The Daniel House was purchased by the University in 1983 thanks to a generous grant provided by the Daniel Foundation of Alabama. The purpose of the grant was to provide Samford students increased international opportunities, dramatically enhance the students' educational experience and add distinction to a Samford education.

The Daniel House is located in the heart of London near Kensington Gardens, the Victoria and Albert Museum, the Museum of Natural History and the former residences of Winston Churchill, T.S. Eliot, Alfred Hitchcock, and John Lennon. More than 150 years old, the Victorian townhouse serves as the setting for a semester abroad program during fall and spring semesters. In addition to courses taught by Samford faculty in their respective fields, local instructors speak on British theater, history, culture, and life. Students also complete an internship to complete their course of study and assist with cultural immersion; it also provides invaluable work experience in an international setting for their career development.

Our Maymester and Summer 1 offerings allow students to enjoy in-depth study in one interdisciplinary course during a three-week term. Previous course examples include Art in Society, the English Reformation, Coffee Talk, and Nursing in the British Isles.

During August the Daniel House is available for graduate groups, such as M. Acc in London.

Purpose of the Annual Security and Fire Safety Reports

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), this report has been prepared by the Samford University Department of Public Safety and Emergency Management (the “DPSEM”), the Clery Compliance Coordinator and the Office of the University General Counsel. It includes important information regarding safety-related policies and statistics including crime reporting, emergency procedures and notification, policy violations and criminal offense concerning weapons, drugs and alcohol, sexual and relationship violence and fire safety related to the Daniel House.

How to Report a Crime or Emergency

Students, faculty, staff and visitors staying at the Daniel House are encouraged to follow these procedures for reporting a crime or emergency:

- Immediately and accurately report all crimes and public safety-related incidents to police, fire or medical emergency services at the numbers in the table below.
- Immediately notify the Director of UK Programmes and Operations (UKD), Thomas Crosby – tcrosby@samford.edu or +44 7885 429067
- If the UKD is unavailable, immediately notify the Faculty-in-Residence – +44 7522 728 658
- Notify the Executive Director of Samford Global, Lauren Doss – ledoss@samford.edu or +1-(205)-726-2915
- Students, faculty, staff and invited guests can report a crime directly to Public Safety by submitting a report through the online form: <http://policerms.ad.samford.edu/ss/Clery2/CSA/CSA.asp>

In submission of reports about a crime or an emergency, individuals should provide the following information:

- Name
- Exact location of the incident
- Description of the scene
- Description of any suspects (names if known)
- Description and license numbers of any involved vehicles

Emergency Notification	
Police	Dial #999
Fire Emergency	Dial #999
Medical Emergency	Dial #999
House Emergency Office Phone	+44 2073 732 125 or +1-(205)-726-5663
Director of UK Programmes and Operations	+44 7885 429 067
Faculty-in-Residence	+44 7522 728 658
United Healthcare Global/International Travel Emergency Assistance Services	+1-610-254-8771
Main Campus Resources	
Executive Director of Samford Global	+1-(205) 726-2915
Office of Public Safety	+1-(205) 726-2020
Title IX Coordinator/ lwoverto@samford.edu	+1-(205) 726-2764

Voluntary Confidential Reporting and Anonymous Reporting

Anyone that witnesses or is the victim of a crime should immediately report the incident to the local police. The United Kingdom does not have a confidential or anonymous reporting option. Crimes that occur in the Daniel House will be reported to the Executive Director of Samford Global. The Executive Director of Samford Global will report incidents of sexual misconduct or relationship violence to the Title IX Coordinator. Incidents that must be reported in accordance with the Clery Act shall be reported to the DPSEM. Information provided to the Title IX Coordinator may initiate the University sexual misconduct review process in accordance with its Sexual Discrimination and Sexual Misconduct Policy. Although crimes are reported to the University campus for Clery Act compliance, victims of sexual assault are not required to make a report to the University or to take any action he or she declines to pursue.

Campus Security Authorities

A Campus Security Authority (CSA) is a university employee who through their employment has some responsibility for the safety and security of the campus environment. In addition to University police and security staff, the Clery Act defines a CSA as any university employee who possesses significant responsibility for student and/or campus activities. CSAs are required to report any information related to a Clery reportable crime to the DPSEM. The chart below provides a list of Clery reportable crimes.

Criminal Offenses	
Murder and Non-negligent manslaughter	Manslaughter by negligence
Rape	Fondling
Incest	Statutory Rape
Robbery	Aggravated Assault
Burglary	Motor Vehicle Theft
Arson	
Hate Crimes (include all of the above crimes as well as Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property when motivated by one of the biases below)	
Race	Religion
Sexual Orientation	Gender/Sex
Gender Identity	Ethnicity
National Origin	Disability
VAWA CRIMES	
Domestic Violence	Dating Violence
Stalking	Sexual Assault
Arrests and Disciplinary Referrals for Violation of Weapons, Drugs and Liquor Laws	
Disciplinary Action – Alcohol Violation	Arrest – Alcohol Law Violation
Disciplinary Action – Weapon Violation	Arrest – Weapon Law Violation
Disciplinary Action – Drug Violation	Arrest – Drug Law Violation

In addition to CSAs identified for the main campus, CSAs for the London Study Center – Daniel House includes the Director of UK Programmes and Operations and faculty for the respective learning programs. CSAs at the Daniel House have a responsibility to report crime to the director of Global Engagement and the local police. All crimes of a sexual nature are reported to Samford University's Title IX Coordinator.

No On-Site Confidential Reporting

There is not a confidential reporting mechanism established for the Daniel House. Samford faculty and the Director of the UK Programmes and Operations are not Confidential Resources. Any information provided to them will be immediately reported to the DPSEM, the Title IX Coordinator or other appropriate University personnel. While students are provided access to mental health counseling on an as needed basis while in London, if a student desires to make a confidential report, he or she could email or call a Confidential Resource on the main campus to discuss how such a report can be made.

Timely Warning of Crimes

The Global Engagement Office has established an email and text message system to alert travel students to situations that could threaten student participation in the educational program. Upon notification of an immediate threat to the safety or health of students participating in the London program, the Director of UK Programmes and Operations, without delay and considering the safety of students and faculty, will notify the students and faculty of the identified threat, its location, and the measures to be taken for personal safety and well-being. Due to the size of the Daniel House and the close proximity of the resident rooms and classrooms, in-person notification is a quick and effective means of communicating with people in the building.

Emergency Updates

Using Alert Traveler, email and text messages, the Residence Director will disseminate follow-up communication as soon as it is available.

Property Security and Law Enforcement

Samford does not maintain a security or police force for the Daniel House, nor does it engage private security personnel. Local law enforcement personnel may patrol in proximity to the property, but not pursuant to a written agreement. The Daniel House is secured 24 hours a day and only authorized students, faculty and guests are permitted in the building.

Missing Student Policy

The Higher Education Opportunity Act requires higher education institutions that offer on-campus housing to have a policy and procedure for missing student notification. This includes on-campus residence halls and any other facility rented or leased by the University to provide its students with residential housing. For purposes of this policy, students lawfully residing in the Daniel House are subject to the policy.

The Daniel House offers housing for student and employee participants in study abroad programs. If a student or Samford employee believes that a student is missing, he or she shall immediately notify the Director of UK Programmes and Operations or Faculty-in-Residence, who will evaluate the situation and notify local police as appropriate. Local police have primary responsibility for investigating reports of missing students and they will make an official determination as to whether a student is missing.

Upon confirmation that a student is missing, the Director of UK Programmes and Operations or Faculty-in-Residence will immediately notify the Executive Director of Samford Global who will notify the DPSEM. Within 24 hours of a determination that a student is missing, Samford will initiate its missing student procedures. Students are encouraged to report a student who has been missing for 24 hours to the resident director or the faculty director. They will report the missing student to the Executive Director of Samford Global who, in turn, will notify the DPSEM.

Pursuant to the Clery Act, students living in on-campus housing may identify a contact person(s) that Samford shall notify if the student is determined to be missing. If a student designates a contact person, the DPSEM will notify the contact person that the student is missing. The identity of the contact person shall not be disclosed by the University except in the context of a missing person investigation concerning the student. If a missing student is under 18 years of age and not emancipated, a Samford representative will notify a custodial parent or guardian within 24 hours of the time when the student is determined to be missing, as well as any other person(s) designated by the student. If a missing student is 18 or older, the DPSEM will investigate within 24 hours of a determination that the student is missing.

Numbers to Call if a Student is Missing	
Police	Dial #999
Daniel House Office	020-7373-2125/ +1-(205) 726-5663
Director of UK Programmes and Operations	+44 7885 429 067
United Healthcare Global/International Travel Emergency Assistance Services	00-1-410-453-6330
Faculty-in-Residence	+44 7522 728 658

If a student is thought to be missing after 24 hours, the DPSEM will contact the Director of Residence Life and notify the Vice President for Student Affairs. The identity of the student's designated contact person(s) will be accessible only to authorized campus officials and the DPSEM. This information may not be disclosed outside of a missing person investigation. If the student is under 18 years of age and is not emancipated, the DPSEM will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, DPSEM will investigate to determine if the student is officially missing within 24 hours and provide all available assistance to local law enforcement personnel.

Crime Prevention and Security Awareness Programs

The Daniel House is secured 24 hours per day. Authorized occupants are instructed to keep their access key secured and to not permit entry by unauthorized persons. Unauthorized people in the house must be immediately reported to the Director of UK Programmes and Operations or Faculty-in-Residence. Invited guests must be registered with and approved by the Director of UK Programmes and Operations or Faculty-in-Residence.

Weapons and Firearms

Students participating in the London study abroad program are prohibited from having any firearm in the Daniel House. Firearms includes, but is not limited to, pistols, rifles, fireworks, water pistols, knives, dart guns, pellet guns and archery equipment. A student in possession of a firearm will be subject to disciplinary action including prompt removal from program and immediate return to states.

Safety Awareness Program

The Global Engagement Office is committed to the provision of cultural learning experiences where students can engage in positive global learning. Deeply rooted in this commitment is a concern for students and faculty well-being and safety as they travel abroad. In preparation for traveling abroad, participants are provided awareness and instruction on:

- Good travel practices and risky behaviors to avoid while traveling
- Emergency contact information and resources while traveling
- Travel warnings and advisories
- Pre-departure orientation
- Host culture education and awareness
- Health and Safety resources
- Location of the U.S. Embassy

Program participants are also provided an additional Health & Safety orientation during their arrival week in London.



Samford Sexual Misconduct Policy

Sexual misconduct, such as sexual harassment, sexual assault, dating violence, domestic violence, stalking and sexual exploitation are prohibited by the Samford University Sexual Misconduct Policy. The Sexual Misconduct Policy prohibits designated behaviors either on campus or in connection with any Samford activities by or against students, faculty, staff and others.

Pursuant to the Sexual Misconduct Policy, Samford responds to allegations of sexual misconduct according to the severity or pervasiveness of the offense and the threat it poses to an individual and the university community.

Individuals found responsible for violations of this policy may face disciplinary sanctions up to and including university expulsion (for students) and termination of employment (for faculty, staff and other non-student employees). In determining whether this policy has been violated, the university applies the ‘preponderance of the evidence standard,’ which means that it is more likely than not that a policy violation occurred. Retaliation against an individual who makes a report, participates in a resolution process, or assists as a bystander to prevent sexual misconduct is also prohibited. Community members that engage in retaliation will be subject to disciplinary action.

The Daniel House’s Director of UK Programmes and Operations has been instructed in the Sexual Misconduct Policy and to assist students involved in alleged sexual misconduct in coordination with the University’s Title IX Coordinator. Upon notification of an allegation, the house coordinator or faculty director will immediately notify the Title IX Coordinator of the allegation. The Title IX Coordinator will provide guidance and directions to on-site employees on measures to preserve and provide an appropriate process for all persons involved in the alleged misconduct.

THE FULL TEXT OF THE SEXUAL MISCONDUCT POLICY IS ANNEXED TO THIS REPORT AS APPENDIX C AND IS INCORPORATED HEREIN BY REFERENCE.

Crime Statistics for the London Study Center – Daniel House Campus

The chart below provides three-year statistics for (1) crimes reportable pursuant to the Clery Act, (2) arrests and disciplinary actions concerning liquor, drugs or weapons and (3) crimes reportable pursuant to VAWA, in each case, occurring within the Clery geography of the Daniel House Campus.

Criminal Offense	On-Campus Residence			On-Campus Property			Non-Campus Property			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter, non-negligent	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter, negligent	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0

Arrest & Referrals for Disciplinary Actions												
Alcohol Law Violation – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Violations – Disciplinary	1	0	0	1	0	0	0	0	0	0	0	0
Drug Law Violation – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations – Disciplinary	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations – Disciplinary	0	0	0	0	0	0	0	0	0	0	0	0
VAWA												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0	0	0	0	0	0	0

The following chart provides three-year statistics for Hate Crimes occurring in the Clery geography of the Daniel House.

Criminal Offense	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0

	2020	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Larceny	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0

Annual Fire Safety Report and Statistics for the London Study Center-Daniel House

This Annual Fire Safety Report is published by Samford University pursuant to the Higher Education Opportunity Act of 2008 and applies to student housing at London Study Center-Daniel House.

Definitions

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Cause of fire: The factor or factors that give rise to a fire. These factors may be, among other things, an intentional or unintentional action, mechanical failure, or act of nature.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured because of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death: Any instance in which a person dies (i) as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or (ii) within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. Fire safety systems include sprinkler systems and other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert to the presence of a fire such as alarms, bells or strobe lights, smoke-control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

Daniel House Fire Equipment

The Daniel House provides educational and residential space for students who participate in the University's London Study Abroad program. The building has fifteen (15) bedroom units that accommodate a maximum of 46 residents. Fire safety equipment in the Daniel House includes a fire alarm system, emergency exit lighting, fire extinguishers on every floor, smoke detectors in each bedroom unit, smoke vents, fire blankets, fire doors, fire lobbies, and a fire curtain.

Fire Evacuation Procedures for the Daniel House

If you are alerted to a fire:

- Evacuate the area immediately
- Close all doors as you leave, taking keys and medications if you can; DO NOT DELAY
- Activate the closest fire alarm pull station along your evacuation route
- Notify others around you as you leave
- Call #999 and report the emergency after you are out of the building and safe
- Meet at the congregation point; corner of Ashburn Gardens and Courtfield Road

Policy on Portable Appliances and Open Flames

- No Smoking policy within house or adjacent premises
- No cooking permitted within residence spaces
- No personal electrical devices/appliances, portable heaters, converters; no overnight charge of appliances
- No storage of flammable material

Training and Fire Safety Initiatives

- Each person assigned to the Daniel House signs a written statement acknowledging receipt of fire safety and emergency response procedures
- Fire system is checked annually by local contractor
- Weekly testing of the alarm system
- Emergency signage in bedrooms and walkways
- Fireworks and/or explosive materials are prohibited on the property
- Director of UK Programmes and Operations is trained as a Fire Warden
- Annual PAT testing of electrical equipment

How to Report a Fire

In the event of a fire emergency, fire is directly reported to the Fire Brigade by dialing #999. Students and employees may report that a fire occurred to the following persons and organization:

- Director of UK Programmes and Operations +44 7885 429 067
- Office Phone +44 2073 732 125 or +1-(205)726-5663
- Executive Director of Samford Global +1-(205)726-2915
- Vice President for Student Affairs +1-(205)726-2736

Recent Renovations

The Daniel House was closed for major renovations during the 2018 academic year. It re-opened for student occupancy in the spring of 2019. Renovations included replacement of electrical wiring, installation of new fire alarm systems, electronic door monitoring system, improved accessibility for physically impaired individuals, emergency exiting, and new equipment.

Three Year Fire Statistics – Daniel House

The chart below provides three-year statistics for fires occurring at the Daniel House property.

Daniel House	Reported Year	Fire Statistics	Number of injuries due to fire	Number of Fire Deaths	Cost of Property Damage due to Fire	Cause of Fire
12 Ashbury Gardens London SW74DG	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

APPENDICES



Appendix A

Definitions of Reportable Crimes Pursuant to The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, As Amended by The Violence Against Women Reauthorization Act Of 2013 (VAWA)

HOMICIDE: MURDER AND NON-NEGLIGENT MANSLAUGHTER; NEGLIGENT MANSLAUGHTER	
FED/ CLERY	Murder and non-negligent manslaughter are the willful (non-negligent) killing of one human being by another. Manslaughter by negligence is the killing of another person through gross negligence.
Alabama	<p><i>Murder</i>-ALA. CODE §13A-6-2. (a) A person commits the crime of murder if he or she does any of the following:</p> <ul style="list-style-type: none"> • With intent to cause the death of another person, he or she causes the death of that person or of another person. • Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself, and thereby causes the death of another person. • He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, aggravated child abuse under Section 26-15-3.1, or any other felony clearly dangerous to human life and, in the course of and in furtherance of the crime that he or she is committing or attempting to commit, or in immediate flight therefrom, he or she, or another participant if there be any, causes the death of any person. • He or she commits the crime of arson and a qualified governmental or volunteer firefighter or other public safety officer dies while performing his or her duty resulting from the arson. <p>A person does not commit murder under the first 2 items above if he or she was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passion to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for, or preclude a conviction of, manslaughter or other crime.</p> <p><i>Manslaughter</i> – ALA. CODE §13A-6-3. (a) A person commits the crime of manslaughter if: (a) the person recklessly causes the death of another person, or (b) the person causes the death of another person under circumstances that would constitute murder under Section 13A-6-2; except, that the death is due to a sudden heat of passion caused by provocation recognized by law, and before a reasonable time for the passion to cool and for reason to reassert itself.</p> <p><i>Criminally Negligent Homicide</i> - ALA. CODE §13A-6-4. A person commits the crime of criminally negligent homicide if he or she causes the death of another person by criminal negligence.</p>
INTIMATE PARTNER VIOLENCE: DATING VIOLENCE	

FED/ CLERY	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)
Alabama	See Alabama laws under Intimate Partner: Domestic Violence

INTIMATE PARTNER: DOMESTIC VIOLENCE	
FED/CLERY	<p>A felony or misdemeanor crime of violence committed -</p> <ul style="list-style-type: none"> • By a current or former spouse or intimate partner of the victim; • By a person with whom the victim shares a child in common; • By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or • By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 34 C.F.R. § 668.46(a)
Alabama	<p><i>First Degree Domestic Violence</i>- ALA. CODE § 13A-6-130(a). A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20 or aggravated stalking pursuant to Section 13A-6- 91, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p> <p><i>Second Degree Domestic Violence</i> - ALA. CODE § 13A-6-131(a) A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A- 6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p> <p><i>Third Degree Domestic Violence</i> - ALA. CODE § 13A-6-132(a). A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p>

STALKING	
FED/CLERY	<p>Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person’s safety or the safety others; or (2) suffer substantial emotional distress. For the purposes of this definition:</p> <p><i>Course of conduct</i> means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.</p> <p><i>Reasonable person</i> means a reasonable person under similar circumstances and with similar identities to the victim.</p> <p><i>Substantial emotional distress</i> means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. 34 C.F.R. § 668.46(a)</p>
Alabama	<p><i>First Degree Stalking</i>- ALA. CODE § 13A-6-90(a). A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.</p> <p><i>Second Degree Stalking</i> - ALA. CODE § 13A-6-90.1(a). A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person’s immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.</p> <p><i>Aggravated First Degree Stalking</i> – ALA. CODE § 13A-6-91. A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.</p> <p><i>Aggravated First Degree Stalking</i> – ALA. CODE § 13A-6-92. A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree</p>

SEXUAL ASSAULT OFFENSES – CONSENT, SEXUAL ASSAULT & SEXUAL EXPLOITATION, FONDLING, INCEST, RAPE AND STATUTORY RAPE

CONSENT	
FED/CLERY	The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Note: This is a suggested draft DOE definition of consent.

Alabama	<p>Whether or not specifically stated, it is an element of every offense defined in Article 6 of Title 13A, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without consent of the victim.</p> <p>Lack of consent results from:</p> <ul style="list-style-type: none"> • Forcible compulsion; or • Incapacity to consent; or • If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. <p>A person is deemed incapable of consent if he or she is:</p> <ul style="list-style-type: none"> • Less than 16 years old; or • Mentally defective; or • Mentally incapacitated; or • Physically helpless. ALA. CODE § 13A-6-70
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SEXUAL ASSAULT/ SEXUAL CONTACT/ SEXUAL EXPLOITATION

FED/CLERY	<p><i>Sexual Assault</i> is an offense that meets the definition of rape, fondling, incest, or statutory rape (see FED definitions below). 34 C.F.R. § 668.46(a)</p>
Alabama	<p>Alabama law includes definitions of the following in its sexual offenses category: rape, sodomy, sexual misconduct, sexual torture, sexual abuse, indecent exposure, enticing child to enter vehicle, house, etc. for immoral purposes, sexual abuse of a child less than 12 years old, school employees engaging in a sex act or deviate sexual intercourse or having sexual contact with a student under the age of 19 years. Refer to AL definitions below for those.</p> <p><i>Rape in the First Degree</i> – ALA. CODE §13A-6-61. A person commits the crime of rape in the first degree if:</p> <ul style="list-style-type: none"> • The person engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or • The person engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or • The person, being 16 years of age or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years of age. <p><i>Rape in the Second Degree</i> – ALA. CODE §13A-6-62. A person commits the crime of rape in the second degree if:</p> <ul style="list-style-type: none"> • Being 16 years of Age or older, a person engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least 2 years older than the member of the opposite sex. • A person engages is sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective. <p><i>First Degree Sexual Abuse</i> – ALA. CODE § 13A-6-66. A person commits the crime of sexual abuse in the first degree if:</p> <ul style="list-style-type: none"> • The person subjects another person to sexual contact by forcible compulsion; or • The person subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

Second Degree Sexual Abuse - ALA. CODE § 13A-6-67. A person commits the crime of sexual abuse in the second degree if:

- The person subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or
- The person, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

First Degree Sodomy – ALA. CODE § 13A-6-63. A person commits the crime of sodomy in the first degree if:

- The person engages in deviate sexual intercourse with another person by forcible compulsion; or
- The person engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
- The person, being 16 years of age or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

Second Degree Sodomy – ALA. CODE § 13A-6-64. A person commits the crime of sodomy in the second degree if:

- The person, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old; or
- The person engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

Sexual Misconduct - ALA. CODE § 13A-6-65. A person commits the crime of sexual misconduct if:

- A male engages in sexual intercourse with a female without her consent, under circumstances other than those constituting rape, or where the female's consent was obtained by use of fraud or artifice; or
- A female engages in sexual intercourse with a male without his consent; or
- A person engages in deviate sexual intercourse with another person in circumstances other than those constituting sodomy.

Sexual Torture – ALA. CODE § 13A-6-65.1. A person commits the crime of sexual torture:

- By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse.
- By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse.
- By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse.

Sexual Abuse in the First Degree - ALA. CODE § 13A-6-66. A person commits the crime of sexual abuse in the first degree if: (1) he or she subjects another person to sexual contact by forcible compulsion; or (2) he or she subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

Sexual Abuse in the Second Degree – ALA. CODE § 13A-6-67. A person commits the crime of sexual abuse in the second degree if: (1) he or she subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or (2) he or she, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

Indecent Exposure - ALA. CODE § 13A-6-68. A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he

knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

Enticing Child to Enter Vehicle, House, Etc. for Immoral Purposes – ALA. CODE § 13A-

6-69(a). It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

Sexual Abuse of a Child Less than 12 Years Old – ALA. CODE § 13A-6-69.1(a). A person

commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.

School employee engaging in a sex act or deviant sexual intercourse with a student under

the age of 19 years. – ALA. CODE §13A-6-81. A person commits the crime of a school employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years if he or she is a school employee and engages in a sex act or deviant sexual intercourse with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. As used in this section, *sex act* means sexual intercourse with any penetration, however slight; emission is not required. As used in this section, *deviant sexual intercourse* means any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.

FONDLING

FED/CLERY

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A, without the consent of the victim, including instances where the victim is permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A

Alabama

N/A

INCEST

FED/CLERY

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. 34 C.F.R. § 668.46 Appendix A

Alabama	<p>A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:</p> <ul style="list-style-type: none"> • His ancestor or descendant by blood or adoption; or • His brother or sister of the whole or half-blood or by adoption; or • His stepchild or stepparent, while the marriage creating the relationship exists; or • His aunt, uncle, nephew or niece of the whole or half-blood. <p>A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed. Ala. Code § 13A-13-3</p>
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RAPE

FED/CLERY	<p>The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. 34 C.F.R. § 668.46 Appendix A</p>
Alabama	See Sexual Assault/Sexual Contact/Sexual Exploitation above

STATUTORY RAPE

FED/CLERY	Sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46 Appendix A
Alabama	It is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16), even if the sex is consensual. See above the state definition of consent.

BURGLARY

FED/CLERY	<p>Burglary is the unlawful entry of a structure to commit a felony or a theft. Burglary includes:</p> <ol style="list-style-type: none"> 1. Local Classified Crimes - Offenses classified by local law enforcement agencies as burglary; unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at such offenses. 2. Forcible Entry - All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. 3. Unlawful Entry – No Force. The entry of a structure achieved by use of an unlocked door or window. 4. Attempted Forcible Entry – Situations in which a forcible entry into a locked structure is attempted but not completed.
Alabama	<p><i>Burglary in the first degree.</i> ALA. CODE §13A-7-5. A person commits the crime of burglary in the first degree if he or she knowingly and unlawfully enters or remains unlawfully in a dwelling with intent to commit a crime therein, and, if, in effecting entry or while in dwelling or in immediate flight therefrom, the person or another participant in the crime:</p> <ul style="list-style-type: none"> • Is armed with explosives; or • Causes physical injury to any person who is not a participant in the crime; or • In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the dwelling or immediate flight from the dwelling, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary.

	<p><i>Burglary in the second degree</i> - ALA. CODE §13A-7-6. (a) A person commits the crime of burglary in the second degree if he or she knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein and, if in effecting entry or while in the building or in immediate flight therefrom, the person or another participant in the crime:</p> <ul style="list-style-type: none"> • Is armed with explosives; or • Causes physical injury to any person who is not a participant in the crime; or • In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the building or in immediate flight from the building, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary. <p>Alternatively, a person commits the crime of burglary in the second degree if he or she unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.</p> <p><i>Burglary in the third degree</i> - ALA. CODE §13A-7-7. A person commits the crime of burglary in the third degree if any of the following occur:</p> <ul style="list-style-type: none"> • He or she knowingly enters or remains unlawfully in a dwelling with the intent to commit a crime therein; • He or she knowingly enters or remains unlawfully in an occupied building with the intent to commit a crime therein; or • He or she knowingly enters or remains unlawfully in an unoccupied building with the intent to commit a crime therein.
Motor Vehicle Theft	
FED/CLERY	Motor vehicle theft is the theft or attempted theft of a motor vehicle. Theft of any self-propelled vehicle that runs on land surface and not on tracks, such as sports utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs are included in this classification.
Alabama	<i>Theft of property in the first degree</i> – ALA. CODE §13A-8-3. The theft of property which exceeds two thousand five hundred dollars (\$2,500) in value, or property of any value taken from the person of another, constitutes theft of property in the first degree. The theft of a motor vehicle, regardless of its value, constitutes theft of property in the first degree.
Arson	
FED/CLERY	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Alabama	<p><i>Arson in the first degree.</i> ALA. CODE §13A-7-41. - A person commits the crime of arson in the first degree if he or she intentionally damages a building by starting or maintaining a fire or causing an explosion, and when: (1) another person is present in such building at the time, and (2) the actor knows that fact, or the circumstances are such as to render the presence of a person therein a reasonable possibility.</p> <p><i>Arson in the Second Degree</i> - ALA. CODE §13A-7-42. A person commits the crime of arson in the second degree if he or she intentionally damages a building by starting or maintaining a fire or causing an explosion.</p> <p><i>Arson in the Third Degree</i> - ALA. CODE §13A-7-43. A person commits the crime of arson in the third degree if he or she recklessly damages a building by a fire or an explosion.</p>

Weapons Violations	
Samford	<p>Samford prohibits the possession or use of firearms, ammunition, bowie knives, bows and arrows, and other potentially dangerous weapons, including firecrackers or other explosive or incendiary devices, in any University buildings, facilities and properties. This prohibition applies to all faculty, staff, students and visitors of the university.</p> <p>There are only two exceptions to the general prohibition of weapons on campus.</p> <p><u><i>Exception No. 1.</i></u> The first exception is pursuant to Alabama Act 2013-283. A Samford employee may transport or store a lawfully possessed firearm or ammunition in the employee's own privately-owned vehicle while it is properly parked in a Samford parking area if the employee satisfied all of the following requirements:</p> <p>(1) The employee either: (a) has a valid concealed weapon permit; or (b) if the weapon is an unloaded firearm that is legal for use for hunting in Alabama other than a pistol: (i) the employee possesses a valid Alabama hunting license; (ii) it is during a season in which hunting is permitted by Alabama law or regulation; (iii) the employee has never been convicted a crime of violence and is not subject to domestic violence order; and (iv) the employee has no documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury.</p> <p>(2) The motor vehicle is operated or parked in a location where it is otherwise permitted to be.</p> <p>(3) The firearm is either: (a) kept inside the employee's vehicle and out of sight while the employee is attending the vehicle; or (b) kept out of sight, locked in a compartment, container, or in the interior of the employee's privately owned vehicle or in a compartment or container securely affixed to the employee's vehicle, when the vehicle is unattended.</p> <p>Employees not meeting the above requirements are prohibited from having a firearm in a vehicle on Samford property. Samford reserves the right to restrict or prohibit the presence of a hunting weapon by an employee, to the extent permitted by the Americans with Disabilities Act, if the Chief of the DPSEM or the Director of Human Resources knows that the employee meets any of the factors listed in Ala. Code § 13A-11-75(a)(1) a.1.-8.</p> <p>An employee may not possess a firearm in an automobile owned by Samford or by another person. Samford has the right to question an employee regarding verification of any of the foregoing legal requirements concerning firearms. In any instance in which Samford believes that an employee poses a risk of danger to themselves or others, the University may make further inquiry as to whether the employee has a weapon on Samford property. If it is determined that an employee is not in compliance, he or she is subject to disciplinary action, including termination.</p> <p><u><i>Exception No. 2.</i></u> The second exception is for DPSEM officers who are authorized by the DPSEM Chief to be armed and have a weapon on campus while performing job related duties.</p>

Robbery

FED/CLERY the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Ala. Code § 13A-5-13:

(a) A person commits the crime of robbery in the first degree if he violates Section 13A- 8-43 and he:

(1) Is armed with a deadly weapon or dangerous instrument; or

(2) Causes serious physical injury to another.

(b) Possession then and there of an article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or dangerous instrument, or any verbal or other representation by the defendant that he is then and there so armed, is prima facie evidence under subsection (a) of this section that he was so armed.

(c) Robbery in the first degree is a Class A felony.

Aggravated Assault

FED/CLERY an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Ala. Code § 13A-6-20:

a) A person commits the crime of assault in the first degree if:

(1) With intent to cause serious physical injury to another person, he causes serious physical injury to any person by means of a deadly weapon or a dangerous instrument; or

(2) With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such an injury to any person; or

(3) Under circumstances manifesting extreme indifference to the value of human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to any person; or

(4) In the course of and in furtherance of the commission or attempted commission of arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree or any other felony clearly dangerous to human life, or of immediate flight therefrom, he causes a serious physical injury to another person; or

(5) While driving under the influence of alcohol or a controlled substance or any combination thereof in violation of Section 32-5A-191 he causes serious bodily injury to the person of another with a motor vehicle.

(b) Assault in the first degree is a Class B felony.

Ala. Code § 13A-6-21:

(a) A person commits the crime of assault in the second degree if the person does any of the following:

	<p>(1) With intent to cause physical injury to another person, he causes physical injury to any person; or</p> <p>(2) He recklessly causes physical injury to another person; or</p> <p>(3) With criminal negligence he causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or</p> <p>(4) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.</p> <p>(b) Assault in the third degree is a Class A misdemeanor.</p>
Hate Crimes	
FED/CLERY	A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a performed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.
Alabama	<p>(1) Felonies:</p> <p>a. On conviction of a Class A felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 15 years.</p> <p>b. On conviction of a Class B felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 10 years.</p> <p>c. On conviction of a Class C felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than two years.</p> <p>d. On conviction of a Class D felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 18 months.</p> <p>e. For purposes of this subdivision, a criminal defendant who has been previously convicted of any felony and receives an enhanced sentence pursuant to this section is also subject to enhanced punishment under the Alabama Habitual Felony Offender Act, Section 13A-5-9 .</p> <p>(2) Misdemeanors: On conviction of a misdemeanor which was found beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.</p>

(1) Felonies:

f. On conviction of a Class A felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 15 years.

g. On conviction of a Class B felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 10 years.

h. On conviction of a Class C felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than two years.

i. On conviction of a Class D felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 18 months.

j. For purposes of this subdivision, a criminal defendant who has been previously convicted of any felony and receives an enhanced sentence pursuant to this section is also subject to enhanced punishment under the Alabama Habitual Felony Offender Act, [Section 13A-5-9](#) .

(2) Misdemeanors:

On conviction of a misdemeanor which was found beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.

Appendix B

Employees Responsible for Integrated Emergency Management Plan

Team Members
VP for Finance, Business Affairs and Strategy
Senior AVP Business and Finance
General Counsel
Senior Associate Provost
Assistant to the President
AVP for University Marketing and Public Relations
VP for Advancement and Marketing
Director of Public Safety
AVP for Operations, Planning and Construction
Director of Events Management
Director of Facilities Management
AVP for Campus and Residential Life
AVP for Human Resources
Director of Risk Management
Chair of CARE Team

Appendix C

Samford University Sexual Misconduct Policy

I. STATEMENTS OF POLICY AND NON-DISCRIMINATION

A. Policy Statement.

The mission of Samford University ("Samford" or the "University") is to nurture persons in their development of intellect, creativity, faith and personhood. As a Christian university, Samford fosters academic, career and ethical competency while encouraging social and civic responsibility and service to others. Consistent with, and in furtherance of these objectives and purposes, Samford is committed to providing an academic, social and employment environment that is free from sexual harassment, assault, exploitation, dating violence, domestic violence, and stalking, as such terms are defined in this Policy and which are collectively referred to as "Sexual Misconduct." Among other things, this Policy prohibits specific Sexual Misconduct that violates Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and/or Title VII of the Civil Rights Act of 1964 ("Title VII"). It is also a violation of this Policy to retaliate against a person for filing a complaint of Sexual Misconduct or for cooperating in a Sexual Misconduct investigation, adjudication or informal resolution. Individuals who are determined to be responsible for a violation of this Policy will be subject to disciplinary action up to and including termination from employment or expulsion from the University. Samford will respond promptly and equitably to reports of Sexual Misconduct and will take appropriate action to eliminate prevent its recurrence and correct and address its effects.

B. Notice of Non-Discrimination.

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, the University does not unlawfully discriminate on the basis of sex, gender, race, color, national origin, age, disability, genetic information, veteran status, religion, or any other protected status under federal, state or local law applicable to the University, in its education policies, programs, and activities, in its admissions policies, in employment policies and practices, and all other areas of the University. As a religious institution, the University is exempt from certain laws and regulations concerning discrimination.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The University is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation in, denies the individual the benefits of, or treats the individual differently in, the education program or activity. Sexual Harassment, as defined in this Policy, is a form of sex discrimination. In accordance with Title IX and its regulations, this Policy addresses the University's prohibition of the following forms of sex discrimination: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation.

The University will not tolerate Sexual Misconduct in any form. The University will promptly and equitably respond to all reports of Sexual Misconduct in order to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

Inquiries or complaints about Title IX Sexual Harassment, Non-Title IX Sexual Harassment, or other forms of Sexual Misconduct may be directed to the University's Title IX Coordinator:

Lisa Overton, Title IX Coordinator and Student Conduct Coordinator
Samford Hall, Room 307 / lwoverto@samford.edu / (205) 726-2764

Inquiries or complaints may also be directed to the U.S. Department of Education Office for Civil Rights:

The Office of Civil Rights

U.S. Department of Education 400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: (800) 421-3481

Facsimile: (202) 453-6012 TDD#: (800) 877-8339

OCR@ed.gov

<http://www.ed.gov/ocr>

C. Disclaimer of Contract

This Policy does not constitute a contract between Samford, on the one hand, and any student, employee, contractor, agent or other person, on the other, and none of the provisions of this Policy shall be construed as or deemed to be contractual in nature.

II. SCOPE OF THE POLICY AND DEFINITIONS

A. Scope and Application of the Policy.

All University community members including students, faculty, administrators, staff, trustees, volunteers, vendors, independent contractors, applicants for admission or employment, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property, are subject to this Policy. The Policy may also apply to individuals who interact with University community members under certain circumstances. All University community members are required to follow University policies and governing local, state, and federal laws.

This Policy applies to Sexual Misconduct committed by or against a University community member, including conduct that occurs on campus or other University property, conduct that occurs at University-sanctioned events or programs that take place off campus, such as study abroad and internships, and off-campus conduct that may cause or threaten to cause an unacceptable disruption at the University or which may interfere with an individual's right to a non-discriminatory educational or work environment.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a University community member that does not fall within the scope of Title IX. More information about what Sexual Misconduct falls within the scope of Title IX is provided in *Section III.A – Title IX Sexual Harassment*. More information about the processes applicable to different types of Sexual Misconduct is provided in *Article VIII - General Provisions for Complaint Resolution Process*. The complaint resolution procedures described in this Policy are the exclusive means of resolving complaints alleging violations of this Policy. To the extent there are any inconsistencies between the complaint resolution procedures in this Policy and other University grievance, complaint, or discipline procedures, the terms and provisions of this Policy will control.

B. Definitions. For purposes of this Policy, the following terms will have the corresponding definitions:

1. **Complainant:** An individual who is alleged to be the victim of conduct that could violate this Policy.
2. **Respondent:** An individual who has been reported to be the perpetrator of conduct that could violate this Policy.
3. **Report:** An account of alleged Sexual Misconduct that has been provided to the University by the complainant, a third party, or an anonymous source.
4. **Formal Complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging a violation of this Policy and requesting that the University investigate the allegation of the Policy violation. A formal complaint begins the complaint resolution process as set forth in *Article IX - Procedures for Sexual Misconduct Complaint Resolution*.
5. **Preponderance of the Evidence.** A standard of evidence that requires a Hearing Panel to determine whether a complaint of Sexual Misconduct is “more likely than not” to have occurred. This standard applies for all complaints of Sexual Misconduct, including Title IX Sexual Harassment and Non-Title IX Sexual Harassment.
6. **Title IX Coordinator:** The designated staff member of the University with primary responsibility for coordinating Title IX compliance efforts, and who generally (i) oversees the intake of formal complaints, (ii) manages the implementation of supportive measures and remedies, (iii) supervises the complaint resolution process, and (iv) maintains official records. For more information regarding the Title IX Coordinator's role, see *Article IV - Responsibilities of the Title IX Coordinator and Title IX Team*.
7. **Sexual Misconduct:** As used in this Policy, Sexual Misconduct means the following forms of sex discrimination and other misconduct: (i) Title IX Sexual Harassment; (ii) Non-Title IX Sexual Harassment; (iii) Sexual Assault; (iv) Domestic Violence; (v) Dating Violence; (vi) Stalking;¹ and (vii) Sexual Exploitation, as each of those terms is defined below in *Article III - Prohibited Conduct*.

III. PROHIBITED CONDUCT

This Policy prohibits the following forms of Sexual Misconduct: Title IX Sexual Harassment; Non- Title IX Sexual Harassment; Sexual Assault; Domestic Violence; Dating Violence; Stalking; Sexual Exploitation; Retaliation and Interference with Process; and aiding others in any of the foregoing prohibited conduct.

A. Title IX Sexual Harassment. As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (i) in the University's education program or activity and (ii) against a person in the United States (i.e. a person who is located in the United States).

1. **Title IX Quid Pro Quo Harassment.** Title IX Quid Pro Quo Harassment occurs when an employee of the University, including a student-employee, conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.

2. **Title IX Hostile Environment Harassment.** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

(a) **Reasonable Person.** For the purposes of the definition of Title IX Hostile Environment Harassment, a reasonable person means a reasonable individual in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

(b) **Severe, Pervasive and Objectively Offensive.** The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity include, but are not limited to:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- the effect of the conduct on the complainant's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct was merely a discourteous, rude, or insensitive statement; and
- whether the speech or conduct deserves the protections of academic freedom.

¹ Some instances of Dating Violence, Domestic Violence, and Stalking may not be sexual in nature. For purposes of this Policy, the term "Sexual Misconduct" encompasses all instances of Domestic Violence, Dating Violence and Stalking (as those terms are defined respectively in *Sections III.E, F and G*), regardless of whether there is a sexual component to the behavior.

(c) **Unwelcome Conduct.** For the purposes of the definition of Title IX Sexual Harassment, conduct is unwelcome when the individual did not request or invite it and regarded the conduct as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct or sexual contact does not necessarily mean that person welcomes other conduct or sexual contact. That a person willingly participates in conduct or sexual contact on one occasion does not necessarily mean that the same conduct or sexual contact is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident. Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:

- unwelcome sexual flirtations, attention, advances, or propositions;
- requests for sexual favors; verbal abuse of a sexual nature or obscene language;
- jokes and comments of a sexual nature;
- verbal commentary about an individual's body, sexual innuendo, suggestive commentary about a person's clothing and appearance;
- displaying derogatory or sexually suggestive pictures or other objects in an office, in a residence hall, or on a computer monitor;
- visual conduct such as leering or making gestures;
- unwanted kissing;
- unwelcome touching of a sexual nature such as patting, pinching, or brushing against another's body;
- gossip about sexual relations; and
- cyber or electronic harassment.

3. **Sexual Assault, Domestic Violence, Dating Violence, and Stalking.** For purposes of Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as those terms are defined below in Sections D,E,F and G of this Article III, exist when such conduct occurs (i) in the University's education program or activity and (ii) against a person in the United States.

4. **Education Program or Activity.** Whether alleged conduct occurred in the University's education program or activity is a fact specific analysis. At a minimum, the University's education program or activity includes all of the operations of the University, including (i) locations on campus or otherwise owned or controlled by the University, (ii) locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, and (iii) any building owned or controlled by a student organization that is officially recognized by the University.

B. Non-Title IX Sexual Harassment. While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the University also prohibits unwelcome conduct of a sexual nature or based on sex (i) that may not rise to the level of Title IX Sexual Harassment (as defined in the preceding Section III.A), (ii) that did not occur in the University's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the University or interfere with an individual's right to a non-discriminatory educational or work environment, or (iii) that did not occur against a person in the United States.

As used in this Policy, Non-Title IX Sexual Harassment is unwelcome conduct of a sexual nature or based on sex, including sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature, when:

1. Submission to such conduct, either explicitly or implicitly, is made a condition of an individual's employment or educational experience, or the individual's submission or rejection of such conduct is a basis for an employment, academic, or other education decision (Non-Title IX Quid Pro Quo Harassment); or
2. Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment (Non-Title IX Hostile Environment Harassment).

Non-Title IX Hostile Environment Harassment may include the same type of conduct described above as Title IX Hostile Environment Harassment, when such conduct (i) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; (ii) does not occur in the University's education program or activity; or (iii) does not occur against a person in the United States.

For the purposes of the Non-Title IX Sexual Harassment definition, conduct is unwelcome when the individual did not request or invite it and regarded the conduct as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct or sexual contact does not necessarily mean that person welcomes other conduct or sexual contact. That a person willingly participates in conduct or sexual contact on one occasion does not necessarily mean that the same conduct or sexual contact is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident. Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment. See *Section III.A – Title IX Sexual Harassment*.

C. Sexual Exploitation. Sexual Exploitation occurs when an individual takes sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, without consent. Sexual Exploitation may include, but is not limited to:

- Intentional and repeated invasion of sexual privacy (e.g., walking into the other person's room or private space);
- Prostituting another person;
- Taking or distribution of photographs/images, video or audio-recording, or electronically broadcasting (e.g., with a web cam) a sexual activity;
- Intentional removal or attempted removal of clothing that exposes an individual's buttocks, genitals and/or groin area, or that is otherwise sexual in nature without consent;
- Intentionally allowing others to view/hear a sexual encounter (such as letting individuals hide in the closet or watch consensual sex);
- Engaging in non-consensual voyeurism;
- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy without consent;
- Knowingly transmitting an STI (sexually transmitted infection) or HIV to another person without his/her knowledge;
- Exposing one's genitals or breasts to another without that individual's consent;
- Inducing another person to expose his/her genitals or breasts without that individual's consent; and
- Distributing or displaying pornography to another without that individual's consent.

Sexual Exploitation does not include conduct that is covered under the definition of Title IX Sexual Harassment. See *Section III.A – Title IX Sexual Harassment*.

D. Sexual Assault. Sexual Assault is any actual or attempted sexual contact using any object with another person without that person's consent.

1. Sexual Contact. As used in this Policy, sexual contact includes intentional contact by the respondent with the complainant's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the complainant of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; or forcing another to touch oneself or himself or herself with or on any of these body parts.

2. Examples of Sexual Assault. Sexual Assault includes, but is not limited to, an offense that meets any of the following definitions:

- (a) **Rape.** For purposes of this Policy, rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the complainant.
- (b) **Fondling.** For purposes of this Policy, fondling is the touching of the intimate parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the complainant.
- (c) **Incest.** For purposes of this Policy, incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- (d) **Statutory Rape.** For purposes of this Policy, statutory rape is sexual intercourse with a person who is under the statutory age of consent, which, in the State of Alabama, is 16 years old.

Sexual Assault includes other sexual crimes that are prohibited by Alabama law. See ALABAMA CODE Sections 13A-6-60 through -71.

E. Dating Violence. Dating Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, causing physical injury, engaging in conduct that creates a substantial risk of physical injury, or creating apprehension of imminent physical injury. Dating Violence can be a single event or a pattern of behavior. Dating Violence does not include acts covered under the definition of Domestic Violence. Dating Violence can be a criminal act prohibited by ALABAMA CODE Sections 13A-6-130 through -139.2.

F. Domestic Violence. Domestic Violence is an act of violence committed by a current or former spouse or intimate partner of the complainant, a person with whom the complainant shares a child in common, a person who is a current or former cohabitant of the complainant as a spouse or intimate partner, a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or any other person against an adult or youth complainant who is protected from that person's acts under applicable domestic or family violence laws of Alabama. Domestic Violence can be a criminal act prohibited by ALABAMA CODE Sections 13A-6-130 through -139.2.

G. Stalking. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or other course of conduct directed at a specific person that would cause a reasonable person to either (i) fear for his or her safety or the safety of others or (ii) suffer substantial emotional distress. Stalking can include frightening communications, direct or indirect threats, and harassing a complainant through the Internet or other communication mediums. Stalking can be a criminal act prohibited by ALABAMA CODE Sections 13A-6-90 through -94.

1. Requisite Acts. Stalking requires two or more acts including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property.

2. Substantial Emotional Distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

3. Reasonable Person. Reasonable person means a reasonable person in the victim's circumstances.

4. Examples of Stalking. Stalking behavior may include, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, email and/or other electronic communications, including social media;
- Repeatedly leaving or sending the complainant unwanted items, presents or flowers;
- Following or lying in wait for the complainant at places such as home, school, work or recreational facilities;
- Making direct or indirect threats to harm the complainant or the complainant's children, relatives, friends or pets;
- Damaging or threatening to damage the complainant's property;
- Repeatedly posting information or spreading rumors about the complainant on the Internet, in a public place, or by word of mouth that would cause a person to feel threatened or intimidated; and
- Unreasonably obtaining personal information about the complainant.

H. Retaliation and Interference with Process. Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against an individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Encouraging or assisting others to either (i) engage in retaliation or (ii) to interfere with the processes included in this Policy are also considered Retaliation and Interference with Process and violate this Policy.

1. Examples of Retaliation and Interference with Process. While the University does not prohibit the complainant and respondent from discussing the allegations that are the subject of a formal complaint, acts that could constitute Retaliation and Interference with Process may include, without limitation: (i) acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; (ii) acts or comments that are intended to influence whether someone participates in the complaint resolution process, including a live hearing; (iii) acts or comments intended to embarrass the individual; (iv) adverse changes in employment status or opportunities; (v) adverse academic action; and (vi) adverse changes to academic, educational, and extra-curricular opportunities.

2. Means of Retaliation and Interference with Process. Retaliation and Interference with Process may be in person, through social media, email, text and other forms of communication, through representatives, or through any other person. Retaliation and Interference with Process may be committed against a person even when the person's allegations of Sexual Misconduct are not substantiated.

3. Reporting Retaliation and Interference with Process. Anyone who is aware of conduct constituting Retaliation and Interference with Process should immediately contact the Title IX Coordinator. The University will take appropriate action against any individual who engages in Retaliation and Interference with Process in violation of this Policy.

I. Consent. Consent is clear, voluntary permission. Consent is not effective if it results from forcible compulsion, which is the use or threat of physical force, intimidation, coercion, or other conduct that eliminates or compromises an individual's ability to freely choose whether to have sexual contact. Lack of consent is also statutorily defined at ALABAMA CODE Sections 13A-6-70.

1. Demonstrating Consent. A person who engages in sexual activity of any type must first obtain the consent of the other party. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. An outward demonstration by an individual indicating that he or she freely chooses to engage in sexual activity is necessary for consent. It may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. Failure to physically resist or verbally refuse sexual activity is not necessarily the same as consent.

2. No Inferred Consent. Consent to one form of sexual activity does not, by itself, constitute consent to engage in another form of sexual activity, nor does consent to engage in sexual activity with one individual constitute consent for sexual activity with anyone else. Individuals with a prior or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of an intimate relationship, there must be mutually-understandable communication that clearly indicates a willingness to engage in each instance of sexual activity.

3. Denial or Withdrawal of Consent. A verbal statement of "no," "stop," or words of similar meaning are clear demonstrations of the lack of consent. Either party may withdraw consent at any time by an outward demonstration through words or actions that clearly indicate a desire to cease sexual activity. As soon as it is expressed that consent is withdrawn, sexual activity must cease.

4. Incapacitation. An individual incapacitated by alcohol or drug consumption (whether voluntarily or involuntarily) or who is asleep, unconscious, unaware, or otherwise physically helpless, is considered unable to give consent to sexual activity. A person who is incapacitated may be unable to give valid consent if he or she is not able to understand the "who, what, where, when, why, and/or how" of a sexual interaction. A person is deemed incapable of providing consent if, at the time of the act, the person (i) is under the age of 16; (ii) suffers from a mental impairment, whether temporary or permanent, which renders him or her incapable of appraising the nature of his or her conduct (e.g., age, disability, or temporary impairment due to drug or alcohol consumption); or (iii) is physically helpless (e.g., unconscious), asleep, or in a state of shock. Sexual activity with someone that an individual knows or reasonably should know is intoxicated or otherwise incapable of giving consent is a violation of this Policy. All persons must be mindful that the impact of alcohol, drugs and other substances varies from person to person. Common indications that a person may be incapacitated or approaching incapacitation include vomiting, unsteady gait, slurred speech, an odor of alcohol, incontinence, combativeness, and emotional volatility. Being intoxicated or impaired by drugs or alcohol is never an excuse for Sexual Misconduct and does not diminish one's responsibility to obtain consent.

5. Coercion. Coercion is unreasonable and persistent pressure to compel a person against his or her will to initiate or continue sexual activity. Coercion includes a range of behaviors including intimidation, manipulation, threats, and blackmail. Coercive activity may be emotional, intellectual, psychological, or moral. A person's words or conduct are sufficient to constitute coercion if they impair another person's freedom of will and ability to choose whether to engage in sexual activity. In evaluating an allegation of coercion, factors to be considered include, without limitation, (i) the frequency of the pressure, (ii) the intensity of the pressure, (iii) the isolation of the person being pressured, and (iv) the duration of the pressure. Coercing a person to engage in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

IV. RESPONSIBILITIES OF THE TITLE IX COORDINATOR AND TITLE IX TEAM

A. General Responsibilities. The Title IX Coordinator is the designated representative of the University with primary responsibility for coordinating Samford's efforts to end Sexual Misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors Samford's overall compliance with Title IX related policies and developments; the implementation and oversight of complaint resolution processes and procedures, including review, investigation, and resolution of reports of Sexual Misconduct; the provision of educational materials and training for the campus community; and monitoring all other aspects of Title IX compliance by the University.

B. Examples of Title IX Coordinator Responsibilities. Examples of the responsibilities of the Title IX Coordinator include, but are not limited to, the following:

- Ensuring compliance with University policies and procedures and relevant state and federal laws;
- Informing any individual impacted by an allegation of Sexual Misconduct, including a complainant, a respondent, or another individual, about the procedural options and processes used by the University, and resources available at Samford and in the community;
- Training and assisting University employees regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- Evaluating allegations of bias or conflict of interest relating to this Policy;
- Determining whether grounds for appeal under this Policy have been properly stated;
- Ensuring that appropriate training, prevention, and education efforts, and periodic reviews of the University's climate and culture take place;
- Keeping appropriate records of all incidents reported to the Title IX Coordinator;
- Coordinating the University's efforts to identify and address any patterns or systemic problems revealed by reports and complaints; and
- Assisting in answering questions related to this Policy.

C. Title IX Team. The University's Title IX Team includes the Title IX Coordinator, Deputy Title IX Coordinators, and appointed staff and faculty designees who may also be called upon to investigate complaints of Sexual Misconduct, serve as advisors, adjudicate complaints, review appeals, and/or facilitate informal resolutions of formal complaints. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

V. PRIVACY AND CONFIDENTIALITY.

Samford protects the privacy of persons involved in a report of Sexual Misconduct in a manner that is consistent with a careful assessment of an allegation, and appropriate measures to eliminate Sexual Misconduct, prevent its recurrence, and address its effects. As used in this Policy, the meanings of the terms privacy and confidentiality are essential to a proper understanding of the Policy and its implementation.

A. Private. "Privacy" and "private" are terms that are applicable to information related to an incident of Sexual Misconduct that is reported pursuant to this Policy. Access to private information received by the University is available to a limited number of Samford employees who have a legitimate need to know the private information in order to assist in the assessment, investigation, and resolution of a report. This restricted access is authorized by the Family Educational Rights and Privacy Act (FERPA).

B. Confidential. "Confidentiality" and "confidential" are words used to identify information that is shared by a person with a designated Samford representative who is legally obligated to maintain the information in confidence unless disclosure is authorized by (i) the individual who communicated the information or (ii) by court order or governing law. Campus officials who may receive information on a confidential basis include the medical providers, professional counselors, and ordained clergy specifically designated in this Policy. Confidential off-campus resources include rape crisis counselors. See ALABAMA CODE §15-23-42 Each of these persons is prohibited by law from violating confidentiality unless (i) there is an imminent threat of harm to self or others, (ii) the reported conduct may involve abuse of a minor, or (iii) disclosure is otherwise required or authorized by applicable law. Contact information for these confidential resources is included in *Section VII.C.1 – Confidential Employees.*

C. Release of Records. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s FERPA policy. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), except health records protected by FERPA. Access to an employee’s personnel records may be restricted in accordance with applicable laws, regulations, and policies. Whenever a report of Sexual Misconduct indicates a serious and immediate threat to the campus community, Samford will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The Clery Act requires, among other things, that a post-secondary school that receives federal funds must report statistical information concerning Sexual Misconduct that occurs on properties owned or controlled by the school. This data is reported annually by the Samford Department of Public Safety to the U.S. Department of Education (“DOE”). The University prepares and publishes an Annual Security Report that includes statistical information concerning reported offenses that occurred either on campus, at off-campus properties controlled by Samford, or on certain public property adjacent to the University campus. Neither the Annual Security Report nor the statistical data provided to the DOE includes the name or other personally-identifiable information of any person involved in a reported incident. Samford may share non-personally-identifying information in aggregate form in various reports, including data about incident outcomes and sanctions.

VI. IMMEDIATE AND ONGOING ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

A. Assessment of Supportive Measures. At any time after the University has actual knowledge of a potential violation of this Policy, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator will also consider whether supportive measures are reasonably necessary or appropriate to protect other parties and the broader University community. The University shall comply with a student’s reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. Samford will make appropriate accommodations and provide appropriate supportive measures with or without a formal complaint, even when a complainant asks to keep a reported violation of this Policy confidential or requests that the University not investigate the matter, and regardless of whether an individual chooses to report to law enforcement.

B. Definition and Examples of Supportive Measures. Supportive measures are individualized services that are reasonably available, non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to restore or preserve equal access to the University’s education program or activity, including interim measures designed to protect the safety of all parties or the University’s educational environment, or to deter Sexual Misconduct. Examples of supportive measures include, without limitation:

- Establishing a "no contact" directive prohibiting the parties involved from communicating with each other;
- Changing an individual's on-campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative University housing, including reassignment to a different residence hall or room;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule, including transferring to a different section of a course;
- Providing academic accommodations or providing assistance with academic issues, including permission to withdraw from a course without penalty;
- Providing security escorts;
- Providing a temporary cellphone;
- Access to counseling and medical services;

- Making information about orders of protection and criminal no contact orders available to a complainant; and
- Assistance in identifying an advocate to help secure additional resources or assistance, including off campus and community advocacy, support, and services.

C. Selection of Appropriate Measures. The University determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the conduct that is the subject of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the individual. The Title IX Coordinator will be responsible for determining what supportive measures will be put in place.

D. Requests for Supportive Measures. A complainant or respondent may request a supportive measure by contacting the Title IX Coordinator. Additional services are available on campus and/or in the community, as described in *Article XIV – Resources*.

E. Confidentiality. Samford will maintain as confidential any supportive measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the measures. The University will only disclose information necessary to provide the supportive measures in a timely manner to individuals who need to know the information in order to effectively provide the measures. The Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the measures to be provided. The University will inform the individual before sharing personally identifying information that the University believes is necessary to provide a supportive measure. The University will tell the individual the information to be shared, with whom it will be shared, and why it will be shared.

F. Violations of Supportive Measures. Any concern about an actual or perceived violation of a supportive measure should be reported to the Title IX Coordinator as promptly as is possible. Complaints of a violation of a supportive measure are addressed in *Section III.H - Retaliation and Interference with Process*.

VII. REPORTING

A. Reporting Sexual Misconduct.

1. How to Make Reports. Samford encourages all individuals who have experienced Sexual Misconduct or know about an incident of Sexual Misconduct to report the incident, so that affected individuals may receive the support they need and the University may respond appropriately. Individuals have several options for reporting allegations of Sexual Misconduct. An incident of Sexual Misconduct may be reported to the University by making a report to the Title IX Coordinator, a Deputy Title IX Coordinator or online on the University's Title IX website. Reports can be made by telephone, mail, email, in person, and online on the University website. Reports to the University should include as much information as possible, including the names of the individual who allegedly experienced Sexual Misconduct, the individual reporting the incident if a different individual, the respondent, and the date, time, place, and circumstances of the incident, to enable the University to respond appropriately.

2. When to Make Reports. Reports of Sexual Misconduct should be made as promptly as possible but may be made at any time. Samford does not limit the time frame for reporting.

3. Online and After Hours Reports. Sexual Misconduct may be reported by completing an online reporting form provided at https://cm.maxient.com/reportingform.php?SamfordUniv&layout_id=1. The report should be made immediately so that the University can begin its assessment of the incident. Completing the online reporting form also fulfills the reporting obligation for Campus Security Authorities under the Clery Act. Outside of regular business hours, if a person does not have immediate access to the Internet, he or she should call the Samford Department of Public Safety at (205) 726-2020, and the dispatcher will promptly

contact either the Title IX Coordinator or a Deputy Title IX Coordinator.

B. Communicating Reports. Upon receiving a report of Sexual Misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. In addition, when a student or employee reports to the University that he or she has been a victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether the offense occurred on or off campus, the University will provide the student or employee with a written explanation of the student's or employee's rights and options, along with the procedures victims should follow.

C. Employee Reporting Responsibilities. An employee's responsibility to report incidents of Sexual Misconduct is determined by the employee's role at the University.

1. Confidential Employees. Confidential Employees are those Samford employees who are permitted to engage in confidential communications under Alabama law. On the University campus, this includes medical care providers (and those who provide administrative services related to the provision of medical care), licensed professional counselors, and ordained clergy who have been specifically designated (i.e. by name) by the University as Confidential Employees. Communications with and among Confidential Employees shall be treated as confidential. A Confidential Employee will not disclose personally identifiable information about Sexual Misconduct to the Title IX Coordinator without the individual's permission (subject to the exceptions set forth above in the explanation of Confidentiality). Confidential Employees may make general reports for statistical purposes and pattern tracking, but do not divulge personally identifiable information without an individual's consent. Confidential Employees are identified below:

Samford University Counseling Services

- Richard Yoakum, ryoakum@samford.edu; (205) 726-2065, Room 203, Dwight Beeson Hall
- Lyndsay Cogdill-Clark, Incogdil@samford.edu; (205) 726-4077, Room 203, Dwight Beeson Hall

University Office of Spiritual Life

- Rev. Bobby Gatlin; bgatlin@samford.edu; (205) 726-4538, 202 Burns Hall
- Rev. Todd Oakley; tkoakley@samford.edu; (205) 726-4852, 208 Burns Hall

2. Employees Who Are Not Confidential Employees. All University employees who are not a Confidential Employee are required to promptly reporting incidents of Sexual Misconduct to the Title IX Coordinator. Samford is not obligated to take action until a report of Sexual Misconduct is received by the Title IX Coordinator or other Samford employee who has authority to address the alleged Sexual Misconduct. Accordingly, every employee other than Confidential Employees must diligently report all incidents of Sexual Misconduct.

Employees, other than Confidential Employees, must promptly report to the Title IX Coordinator all relevant details known (obtained directly or indirectly) about an actual or alleged incident of Sexual Misconduct that involves a Samford student or employee as either a complainant or a respondent, or that occurred on property owned or controlled by the University, or in connection with a University employment or education program, including events hosted by University groups or University- recognized organizations. The reported information, to the extent known, should include dates, times, locations, and names of parties and witnesses.

Employees are not required to report information disclosed (1) at public awareness events (e.g. public forums in which students may disclose incidents of Sexual Misconduct); or (2) during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol. In instances where an employee has a specific concern that sharing information with the Title IX Coordinator may significantly impact the safety or well-being of the complainant or another individual, the employee shall promptly disclose the information to a Deputy Title IX Coordinator who will work with the reporting employee to evaluate the need to share personally identifiable information with the Title IX Coordinator based on the potential risk of harm to the complainant or broader campus safety concerns. Failure of an employee to report Sexual Misconduct in accordance with this Policy may result in disciplinary action, up to and including termination of

employment, depending on the circumstances of the Policy violation.

D. Mandatory Reporting of Child Abuse. Under Alabama law, Samford employees who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to the Alabama Department of Human Resources – Child Protective Services: (334) 242-9500. If an employee makes such a report, he or she must also immediately share the information with the Samford Department of Public Safety so that the University can ensure timely compliance with this law and enhance the protection of children.

Samford will promptly report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Alabama Department of Public Health – Child Protective Services. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual, or other forms of abuse, neglect or exploitation, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that an employee have actual evidence of abuse, nor is it the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and other law enforcement authorities, who are trained to make such inquiries. A report should be made as follows:

- If a child is in immediate danger, call the police (9-1-1)
- If there is no immediate danger to a child, call the Samford Department of Public Safety (205) 726-2020
- If an employee is unable to reach the Department of Public Safety, he or she should report as soon as possible the suspected abuse to the Title IX Coordinator.

E. Reports to Law Enforcement. At the complainant's request, the University will assist the complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. A person may also choose to report Sexual Misconduct to local law enforcement through one of the following reporting options:

- 9-1-1 (for emergencies)
- Samford Department of Public Safety (205) 726-2020
- City of Homewood Police Department (205) 332-6200
- Jefferson County Sheriff's Office (205) 325-5700 (for incidents in unincorporated areas of Jefferson County, Alabama)

F. Amnesty for Drug or Alcohol Violations. Samford intends to remove any barriers to reporting acts of Sexual Misconduct. It is therefore appropriate that anyone who has been the subject of Sexual Misconduct to report the conduct and that witnesses share what they know about the alleged incident.

To encourage reporting, people who report or who are subject to Sexual Misconduct may not be subject to disciplinary action for a related violation of a Samford policy involving alcohol or drugs, including their personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk.

G. Obligation to be Truthful and Act in Good Faith. Information reported about alleged Sexual Misconduct should be true and accurate, since a charge of Sexual Misconduct may have severe consequences. A person who makes a report that is later determined to have been intentionally false or made maliciously without regard for the truth, or who intentionally gives false information during an investigation or live hearing, may be subject to disciplinary action under the Samford Honor Code (for undergraduate students), applicable conduct codes for students in graduate and professional schools and programs, or the appropriate faculty or staff disciplinary policy (for employees). Discipline for students who make a false report may include, but are not limited to: anger intervention assessment and counseling; mental health counseling; restriction from some or all Samford property, programs or activities; community service; work assignments; written assignments; research assignments; fines; written warnings; suspension of privileges; no contact orders; parental notification; probation; residence hall expulsion; residence hall restriction; residence hall suspension; restitution; suspension

from the University; expulsion from the University; and withholding a degree. Employees who make a false report may be disciplined by, among other things: anger intervention assessment and counseling; mental health counseling; restriction from some or all Samford property, programs or activities; community service; written warnings; no contact orders; suspension of employment without pay; and termination of employment. State criminal statutes and civil defamation laws may also be implicated by false reports. This does not apply to reports of Sexual Misconduct made in good faith, even if the facts alleged in the report are not substantiated by an investigation and/or review decision. An allegation of false reporting cannot be investigated or heard until the underlying allegations of Sexual Misconduct are resolved.

H. Emergency Removal. Samford reserves the right to remove a student respondent, in whole or in part, from the University's education program or activity on an emergency basis. Prior to removing a student respondent on an emergency basis, the University will undertake an individualized safety and risk analysis and will determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. If a student respondent is removed on an emergency basis, the University will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

I. Administrative Leave. The University reserves the right to place a non-student employee respondent on administrative leave during the pendency of the complaint resolution process.

VIII. GENERAL PROVISIONS FOR COMPLAINT RESOLUTION PROCESS

A. Equitable Process. When the University receives a formal complaint of an alleged incident of Sexual Misconduct, it will promptly and equitably respond to the formal complaint in accordance with the provisions and procedures set forth in this Policy. The University will provide a fair and impartial complaint resolution process. A fair process is one that treats the parties equitably, provides the complainant an opportunity to file a formal complaint alleging a violation of this Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, and provides the respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and provides both parties an opportunity to challenge the credibility of the other party and any witnesses prior to a decision on responsibility. In cases involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the ability to challenge credibility is accomplished through the parties' ability to suggest questions to be asked of the other party and witnesses during the investigation, through the Written Response Statements in response to the Investigation Report, through the Written Rebuttal Statements in response to the other party's Written Response Statement as discussed in *Article IX - Procedures for Sexual Misconduct Complaint Resolution*, and by examination at a live hearing.

B. Collecting and Evaluation of Evidence. The complaint resolution process will require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties. The University will not require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in the professional's or para-professional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a complaint resolution process.

C. Particularized Procedures. This Policy provides different procedures depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information at the end of the investigation phase, the Title IX Coordinator will make a final determination as to the procedures that will govern the access

to information phase and the adjudication phase.

D. Procedures for Alleged Non-Title IX Sexual Harassment. If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the University reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

E. Trained Officials. Each complaint resolution process will be conducted by individuals, including coordinators, investigators, Title IX Hearing Panel members, Hearing Panel members, Appeal Panel members, and facilitators of an informal resolution process, who do not have a conflict of interest or bias for or against complainants or respondents generally, or for or against the individual complainant or respondent. These individuals will receive annual training on a variety of subjects including, but not limited to, the following:

- (i) the definition of Title IX Sexual Harassment;
- (ii) the scope of Samford's education program or activity;
- (iii) how to conduct an investigation and complaint resolution process, including hearings, appeals, and informal resolution processes, as applicable;
- (iv) how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias;
- (v) issues related to Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation; and
- (vi) how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will also receive training on issues of relevance to create an Investigation Report that fairly summarizes relevant evidence.

Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The training shall be free of bias such as sex stereotypes or generalizations, it will promote impartial investigations and adjudications, and will include the following topics, as applicable: relevant evidence and how it should be used; proper techniques for questioning witnesses; basic rules for conducting proceedings; avoiding actual or perceived conflicts of interest; and the University's policies and procedures.

F. Equal Rights of the Complainant and Respondent. In all Sexual Misconduct complaint resolution processes under this Policy, the complainant and respondent are entitled to the following:

- Be treated with respect, sensitivity, and dignity;
- Appropriate support from the University;
- Privacy to the extent possible based on applicable law and University policy;
- Information regarding all applicable policies and procedures;
- The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- Equitable procedures that provide both parties with a prompt, and impartial complaint resolution process conducted by officials who receive annual training on conduct prohibited by this Policy;
- Notice of the allegations and defenses and an opportunity to respond;
- Written notice of the date, time, location, participants, and purpose of all hearings and other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- Timely notice of meetings that are part of the complaint resolution process at which the

complainant or respondent may be present;

- An equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal complaint resolution process;
- For the complainant, not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove consent or that someone other than the respondent committed the alleged Sexual Misconduct;
- The right to be free from retaliation;
- The right to appeal the written determination and/or sanctions in certain circumstances, as discussed in *Article X - Appeals*;
- The right to notification, in writing, of the resolution, including the outcome of any appeal; and
- For the complainant, the right to report the incident to law enforcement at any time or to decline to do so.

G. Additional Rights in Cases Involving Allegations of Title IX Sexual Harassment. In cases involving allegations of Title IX Sexual Harassment, the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See *Section VIII.I - Advisors* for additional information and requirements regarding the conduct, selection or appointment of advisors.
- The parties will be provided an equal opportunity to inspect and review a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as set forth in *Section IX.J - Access to Information in Cases Involving Allegations of Title IX Sexual Harassment*.
- The parties will be provided a copy of the preliminary Investigation Report for their review and written response, as set forth in *Section IX.J - Access to Information in Cases Involving Allegations of Title IX Sexual Harassment*.
- The complaint resolution process will include a live hearing, at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, as set forth in *Section IX.L - Adjudication*.

H. Additional Rights in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Occurring Outside of the Education Program or Activity or Against a Person Outside of the United States. In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking occurring outside of the education program or activity or against a person outside of the United States, the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See *Section VIII.I - Advisors* for additional information and requirements regarding the conduct of advisors.
- The complainant and respondent will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process, as set forth in *Section IX.K - Access to Information in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Occurring Outside of the Education Program or Activity or Against a Person Outside of the United States*.

I. Advisors. The complainant and the respondent in a complaint resolution process (both the informal and formal resolution processes) involving allegations of (i) Title IX Sexual Harassment; or (ii) Sexual Assault, Dating Violence, Domestic Violence, and Stalking occurring outside of the University's education program or activity or against a person outside of the United States, have the right to be accompanied to meetings by one advisor of their choice, who may be, but is not required to be, an attorney. Any fee or other compensation charged by or payable to an advisor shall be the sole responsibility of the party selecting the advisor. University employees who serve as an advisor shall not charge any fee for such services.

1. Selection of Advisors. Generally, the advisor selected by the complainant or respondent should be free of conflicts of interest in the resolution process and, if a member of the University community, the advisor should be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in the University's complaint resolution process. Parties must promptly notify the Title IX Coordinator who they have selected as their advisor. The University will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice shall indicate if the other party's advisor is an attorney. The Title IX Coordinator will maintain a list of University employees who have received training to serve as an advisor.

2. Purpose of Advisors. The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings which may occur in-person. As a general matter, the University will not delay its proceedings to accommodate the schedules of advisors.

3. Role of Advisors. If a party selects an attorney as an advisor, the advisor's participation in the complaint resolution process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint resolution process with anyone, including other individuals who may be part of an attorney-client relationship with the party. Advisors may confer with their advisee, but, with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment (see paragraph 4 below), advisors may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings and proceedings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on the behalf of an advisee in either in-person or written communications to the University. The advisor may not communicate directly with the investigator(s), Title IX Hearing Panel members, appeal panel members, the Title IX Coordinator, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.

4. Allegations of Title IX Sexual Harassment. In complaint resolution processes involving allegations of Title IX Sexual Harassment:

- At the live hearing, advisors will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in *Section IX.L.1 – Hearing of Cases Involving Allegations of Title IX Sexual Harassment*.
- Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in *Article IX – Procedures for Sexual Misconduct Complaint Resolution*.

5. Allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking Occurring Outside of the University's Education Program or Activity or Against a Person Outside of the United States. In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking occurring outside of the University's education program or activity or against a person outside of the United States, advisors may have access to information as is described further below in *Section IX.K - Access to Information in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Occurring Outside of the Education Program or Activity or Against a Person Outside of the United States*.

6. Advisors Agreements. Advisors for either party are required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements, containing such terms and conditions as the University may require. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The University reserves the right to dismiss an advisor.

J. Presumption of Non-Responsibility. In all matters governed by this Policy, the presumption is that the respondent is not responsible for a Policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a Policy violation only if the appointed Title IX Hearing Panel or Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sexual Misconduct.

K. Requests for Reasonable Accommodations. The Title IX Coordinator will work with the University Office of Disability Resources to consider requests for disability accommodations to help students and employees report Sexual Misconduct, participate in the investigation and adjudication process, and in providing supportive measures. For example, special arrangements can be made for individuals with disabilities in preparing a written complaint or in extending certain deadlines set forth in this Policy, so long as the accommodation does not provide a preferential advantage for one party over the other.

L. Non-Participation. Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If, at any time during the complaint resolution process, a party decides not to participate, the University may still proceed with the complaint resolution process.

1. If Complainant Declines to Participate. If at any time the complainant declines to participate in the process, the University's ability to meaningfully investigate and adjudicate a complaint may be limited. In such cases, the University will proceed with the complaint resolution process, if reasonably possible to do so without the complainant's participation, and make a determination based upon the information available. A complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses but may leave the respondent's denials or defenses undisputed. If a complainant decides not to participate or chooses to stop participating at a phase of the process, the complainant will still be given the option to participate during additional phases of the process.

2. If Respondent Declines to Participate. The respondent has the right to decline to participate in the complaint resolution process. In such cases, the University will proceed with the complaint resolution process and will make a determination based upon the information available. A respondent's silence in response to a complainant's allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed. If a respondent decides not to participate or chooses to stop participating at a phase of the process, the respondent will still be given the option to participate during additional phases of the process.

M. Conflicts of Interest. If a complainant or respondent has any concern that any individual acting for the University under this Policy has a conflict of interest or bias, for or against complainants or respondents generally, or for or against the individual complainant or respondent, such concern should be reported in writing to the Title IX Coordinator. A concern regarding a conflict of interest or bias should be delivered to the Title IX Coordinator within five (5) calendar days after receiving notice of such person's involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or resolving a complaint under this Policy. Any concern of a conflict of interest or bias regarding the Title IX Coordinator must be submitted in writing to Senior Associate Vice President for Business and Financial Affairs. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the Senior Associate Vice President for Business and Financial Affairs shall appoint another person to oversee adherence to this Policy with respect to the complaint at issue. If a party simply knows an individual acting for the University under this Policy has or has had some limited interaction with such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, the University encourages the parties to promptly bring any concern of conflict of interest or bias to the Title IX Coordinator's

attention for consideration.

N. Time Frames for Resolution. Samford is committed to the prompt and equitable resolution of allegations of Sexual Misconduct. As is discussed in various provisions of this Policy, different procedures apply to cases involving allegations of Title IX Sexual Harassment than to other cases of alleged Sexual Misconduct. The time frames for each phase of the different procedures are as follows:

1. Cases Involving Allegations of Title IX Sexual Harassment. Time frames for each phase of the complaint resolution process for formal complaints involving allegations of Title IX Sexual Harassment will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of directly related evidence and investigator consideration of evidence response statements: ten (10) calendar days
- Review of preliminary Investigation Report and written responses and rebuttals, if applicable: ten (10) calendar days
- Live Hearing and Notice of Determination: twenty-one (21) calendar days
- Appeal: twenty (20) calendar days

2. Cases Involving Other Allegations of Sexual Misconduct. Time frames for each phase of the complaint resolution process for formal complaints involving allegations of any other form of Sexual Misconduct will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of preliminary Investigation Report and written responses and rebuttals, if applicable: ten (10) calendar days
- Adjudication: twenty-one (21) calendar days
- Appeal: twenty (20) calendar days

3. Transition Days. In any Sexual Misconduct complaint resolution process, the process may include additional days between the various phases as the University transitions from one phase to another. The parties will be notified when each listed phase begins and when it ends. If any transition period will last longer than five (5) calendar days, the parties will be notified of the delay and the reason for it. By way of example, if an investigation phase concluded on July 31, the review of the preliminary Investigation Report would generally begin no later than August 5, unless the parties are notified otherwise.

4. Extensions. Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties involved, the availability of witnesses, the effect of a concurrent criminal investigation, unsuccessful attempts at informal resolution, any intervening school break, the need for language assistance or accommodation of disabilities, or other unforeseen circumstances. To the extent additional time is needed during any of the phases of the process discussed above and further below, the University will notify all parties of the delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, the University may, in its discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

5. Reports to Law Enforcement. In cases where an alleged incident has been reported to both Samford and law enforcement, the University will not delay its complaint resolution process in order to wait for the conclusion of a criminal investigation or proceeding. The University will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the University may need to delay temporarily an investigation under this Policy while law enforcement is in the process of gathering evidence. This process sometimes takes seven (7) to ten (10) days but may be longer depending upon the particular circumstances.

Once law enforcement has completed its gathering of evidence, the University will promptly resume and complete its investigation and resolution procedures.

O. Application of the Policy. When the University receives a formal complaint of a violation of this Policy, it will generally apply the complaint resolution procedures from the Policy that were in effect at the time that the report or complaint is made and generally will apply the Sexual Misconduct definition from the Policy that was in effect at the time the alleged misconduct occurred. For cases involving allegations of Title IX Sexual Harassment, the University will apply the definitions from the Policy that were in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that were in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

P. Reservation of Flexibility. Although the University will endeavor to abide by all of the time frames set forth in this Policy, the circumstances of each incident of alleged Sexual Misconduct may require that the schedules, processes and procedures included in this Policy, to the extent not prohibited by applicable law, be modified to provide for a complaint resolution process that is equitable for both the complainant and the respondent.

IX. PROCEDURES FOR SEXUAL MISCONDUCT COMPLAINT RESOLUTION.

The University will use the process described below to investigate and adjudicate, in a prompt and equitable process, formal complaints of Sexual Misconduct brought to the Title IX Coordinator. As discussed above in *Article VIII - General Provisions for Complaint Resolution Process*, different complaint resolution procedures will be employed depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged.

A. Initial Meeting Between Complainant and Title IX Coordinator. In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be an investigation interview. During the initial meeting with the complainant, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate needs of the complainant and the campus, in consultation with appropriate campus officials;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Provide the complainant with information about on-campus and off-campus resources;
- Notify the complainant of available supportive measures with or without filing a formal complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a formal complaint and the complaint resolution process;
- Advise the complainant of the right to have an advisor of choice, if applicable under this Policy;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to process; and
- Explain the University's policy prohibiting Retaliation and Interference with Process.

B. Assessment of Continuing or Future Harm. All reports and formal complaints of Sexual Misconduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks when necessary in consultation with the Samford Department of Public Safety.

C. Conduct Not Governed by this Policy. If the Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, the Title IX Coordinator may dismiss the

matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

D. Formal Complaints. The filing of a formal complaint typically begins the complaint resolution process under this Policy. In most cases, formal complaints are made and signed by the complainant. However, in some cases, the University may move forward with a complaint resolution process even if the complainant chooses not to sign, make or move forward with a formal complaint. Generally, the Title IX Coordinator will make a determination of whether the University will move forward with a complaint resolution process when the complainant has not filed a formal complaint. If the University decides that it has an obligation to move forward with a complaint resolution process, the Title IX Coordinator will sign the formal complaint and the University will notify the complainant before proceeding. The Title IX Coordinator, by signing the formal complaint, does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent. Formal complaints of Sexual Misconduct should be made to the Title IX Coordinator:

Lisa Overton, Title IX Coordinator and Student Conduct Coordinator
Samford Hall, Room 307 / lwoverto@samford.edu / (205) 726-2764

E. Initial Assessment and Written Notice. When the Title IX Coordinator receives a formal complaint, the Title IX Coordinator will assess the allegation(s) to determine if the formal complaint states an allegation of Sexual Misconduct. The Title IX Coordinator will then make a preliminary determination of the procedures that will apply to the complaint resolution process. If the formal complaint alleges Sexual Misconduct, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include, without limitation, the following:

1. Notice of the University's complaint resolution process, including the informal resolution process;
2. Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
3. A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
4. Notice that the parties have the right to an advisor of choice, if applicable under this Policy, who may be, but is not required to be, an attorney;
5. Notice that the parties have the right to inspect and review evidence, as applicable under this Policy;
6. Notice of Policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process; and
7. If the University decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

F. Initial Meeting Between Respondent and Title IX Coordinator. When the Title IX Coordinator receives a formal complaint of Sexual Misconduct, the Title IX Coordinator will attempt to schedule an initial meeting with the respondent. Prior to or during the initial meeting, the Title IX Coordinator will:

1. Notify the respondent of the complaint and alleged Policy violations;
2. Provide the respondent an explanation of the complaint resolution process, including the informal resolution process;
3. Notify the respondent of the importance of preservation of evidence;
4. Provide the respondent with information about on-campus and off-campus resources;
5. Notify the respondent of any supportive measures that have been put in place that directly relate to the respondent (i.e., no contact directive);
6. Notify the respondent of available supportive measures;
7. Advise the respondent of the right to have an advisor of choice, if applicable under this policy, who may be, but is not required to be, an attorney; and

8. Explain the University's policy prohibiting Retaliation and Interference with Process.

The initial review of the formal complaint by the Title IX Coordinator and initial notice of the allegations to the parties, as described in items A through F of this Section will customarily take no more than ten (10) calendar days.

G. Consolidation of Formal Complaints. The University may elect to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

H. Informal Resolution Process. Following a formal complaint, at any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process.

In cases involving allegations of Sexual Assault or more serious types of Sexual Misconduct, informal resolution may not be appropriate. In addition, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, informal resolution is not appropriate. If the complainant, the respondent, and the University all agree to pursue an informal resolution, the Title IX Coordinator will initiate an informal process to facilitate a resolution that is agreeable to all parties. The informal resolution process shall be governed by the following:

- Neither the Title IX Coordinator nor any facilitator will be an advocate for either the complainant or the respondent in the informal resolution process, but rather will aid in the resolution of formal complaints in a non-adversarial manner. The University will provide a facilitator who is free from conflicts of interest or bias and has received special training as a facilitator.
- The University will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the University, and the University community.
- The University will not compel a complainant or respondent to engage in the informal resolution process, to directly confront the other party, or to participate in any particular form of informal resolution.
- Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process at any time prior to reaching an agreed upon resolution and request a formal resolution process. In addition, the University also always has the discretion to discontinue the informal process and move forward with a formal resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.
- Prior to engaging in an informal resolution process, the University will provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. In addition, the University will obtain the parties' voluntary, written consent to the informal resolution process.
- Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the University to stop, remedy, and prevent Policy violations. In its effort to stop, remedy, and prevent Policy violations, the University will take prompt and corrective action through the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the University. Examples of potential remedies are provided in the supportive measures section of the Policy above. The recommended resolution may also include other institutional

responses or requirements imposed on the respondent.

- The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the University terminates the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the formal complaint and the University agree in writing to the terms and conditions of a recommended resolution within five (5) calendar days of the Title IX Coordinator or other facilitator presenting the recommended resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the University do not agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days of the Title IX Coordinator or other facilitator presenting the recommended resolution to the parties, the formal complaint will be referred to the formal resolution process.
- The terms of a written resolution that is agreed to by the complainant, the respondent and the University may include the consequences for the complainant and the respondent should either party fail to comply with the terms of the agreed terms and conditions.
- The informal resolution process generally will take no more than fifteen (15) calendar days from the date that the complainant, the respondent and the University agree to pursue an informal resolution, although, in some cases, more time may be required.
- Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

I. Formal Resolution Process. If the formal complaint is not processed or resolved through the voluntary informal resolution process discussed above, the formal complaint will be processed according to the formal resolution process outlined below, even if the respondent admits responsibility for a violation of this Policy.

1. Designation of Investigator. The Title IX Coordinator will designate one or more investigators to conduct a prompt and equitable investigation. The University reserves the right to appoint any trained investigator who is free of conflict of interest or bias. The parties will receive written notice of the investigator(s) appointed. If any party has a concern that the investigator(s) has/have a conflict of interest or bias, the party should report the concern in writing as indicated in *Section VIII.M - Conflicts of Interest*.

2. The Investigation. The investigator(s) will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include interviews with the complainant, the respondent, and witnesses. These interviews may be audio and/or video recorded, but such recording is not required. The complainant and respondent will have the opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator(s), and questions they would like the investigator(s) to consider asking the other party and any witnesses, including questions challenging credibility. The investigator(s) has/have discretion, in consultation with the Title IX Coordinator, to assess the relevancy of any proposed witnesses, evidence, questions, and to determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. The investigator(s) may also determine whether to ask some or all of the questions suggested by the parties. The interviews will be supplemented by the gathering of any physical, documentary, electronic or other evidence, as appropriate and available. The complainant and respondent will be given equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a live hearing must be suggested as part of the investigation process, prior to the issuing of the Investigation Report.

3. Close of Evidence Date. The parties will be informed of a close of evidence date. The parties must submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator(s), in consultation with the Title IX Coordinator, determine(s) otherwise for cause.

4. Preparation of the Investigation Report. At the conclusion of the investigation, the investigator(s) generally will prepare an investigation report (the "Investigation Report") that fairly summarizes the relevant evidence. The Investigation Report may consist of any relevant information, documents, and other evidence that will be provided to the Title IX Hearing Panel/adjudicators. At the investigator's discretion, such information may include, as applicable: the formal complaint, the notice of allegations, any other evidence obtained during the investigation, and the investigator's report of the investigation. The Investigation Report will be forwarded to the Title IX Coordinator. The Title IX Coordinator will review the Investigation Report and has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the Investigation Report.

5. Duration of an Investigation. The University will strive to complete the investigation within forty-five (45) calendar days from the date the formal complaint and notice of allegations are provided to the investigator, but this time frame may be extended depending on the circumstances of each case, including the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses involved, the effect of a concurrent criminal investigation, any intervening school break, or other circumstance. In cases involving allegations of Title IX Sexual Harassment, the University will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence.

J. Access to Information in Cases Involving Allegations of Title IX Sexual Harassment. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase. The following governs access to information in cases involving allegations of Title IX Sexual Harassment.

1. Review of Directly Related Evidence. For complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and inculpatory and exculpatory evidence whether obtained from a party or other source.

(a) **The Evidence Response Statement.** The Title IX Coordinator or investigator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed two thousand (2,000) words in length. The Evidence Response Statement must be submitted to the Title IX Coordinator within the ten (10) calendar day period. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the Investigation Report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence that the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement. The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

(b) **Review of Evidence Response Statements by Title IX Coordinator.** The Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

- (c) **Review of Evidence Response Statements by Investigator.** The investigator will consider the parties' Evidence Response Statements prior to completion of the Investigation Report. All the evidence made available for the parties' review will be available during the live hearing.

2. Review of the Investigation Report. For complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator or investigator will send the Investigation Report to each party and each party's advisor in electronic format or hard copy at least ten (10) calendar days prior to the live hearing.

- (a) **The Written Response Statement.** The parties will have a five (5) calendar day period to review the Investigation Report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed three thousand (3,000) words in length. The Written Response Statement must be submitted to the Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the Investigation Report or identify information previously given to the investigator(s) that is not included in the Investigation Report which the party believes should have been included and raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement. The parties and parties' advisors may use the Investigation Report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the Investigation Report with any other individual. Prior to being provided the Investigation Report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

- (b) **Review of the Written Response Statement by the Title IX Coordinator.** The Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the Investigation Report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

K. Access to Information in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Occurring Outside of the Education Program or Activity or Against a Person Outside of the United States. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase. The following governs access to information in cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking occurring outside of an education program or activity or against a person outside of the United States.

1. The Investigation Report. A preliminary version of the Investigation Report will be prepared by the investigator and made available for review by the complainant and respondent. The Title IX Coordinator will provide a five (5) calendar day period for the complainant and respondent to have access to review the preliminary Investigation Report and prepare a response. The parties' access to the preliminary Investigation Report generally will be provided during normal business hours in a designated on campus location. During their review of the preliminary Investigation Report, the parties may create typed or handwritten notes. The preliminary version of the Investigation Report cannot be copied, photographed, or removed from that location. Audio transcriptions of the preliminary Investigation Report are also prohibited.

2. Submitting the Written Response Statements. Both parties will have the opportunity to provide a written response to the preliminary Investigation Report (the “Written Response Statement”). To do so, the party must submit a Written Response Statement, which may not exceed two thousand (2,000) words in length, to the Title IX Coordinator. The Written Response Statement must be submitted by the conclusion of such five (5) calendar day period. The Written Response Statement may be used as an opportunity to clarify points in the Investigation Report or identify information previously given to the investigator(s) that is not included in the Investigation Report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party’s own statement, and may not be used to submit the statements of others on the party’s behalf. The parties may not address each other in the Written Response Statement.

3. Submitting the Written Rebuttal Statements. The parties will have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement (“Written Rebuttal Statement”) not to exceed one thousand (1,000) words. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party’s Written Response Statement and submit a Written Rebuttal Statement. The parties’ access to the Written Response Statement generally will be provided during normal business hours in a designated on campus location. The Written Response Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. The Written Rebuttal Statement may only be used to respond to arguments made in the other party’s Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party’s own statement, and may not be used to submit the statements of others on the party’s behalf. The parties may not address each other in the Written Rebuttal Statement.

4. Reviewing the Written Rebuttal Statements. The parties will have an opportunity to review the Written Rebuttal Statement submitted by the other party. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party’s written rebuttal statement. The parties’ access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on campus location. During their review of the Written Rebuttal Statement, the parties may create typed or handwritten notes. The Written Rebuttal Statement cannot be copied, photographed, or removed from that location. Audio transcriptions of the Written Rebuttal Statement are also prohibited. While the parties have the opportunity to review the Written Rebuttal Statement of the other party, no further responses are permitted by either party.

5. Limited Use of Materials. The parties and parties’ advisors may use the Investigation Report and written statements of the other party reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties’ advisors will be required to sign a non-disclosure agreement agreeing to such terms.

6. Review by Title IX Coordinator. The Title IX Coordinator will review the Written Response Statements and Written Rebuttal Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added to or redacted from the Investigation Report. In addition, the Title IX Coordinator may remove or redact any portions of the parties’ written statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant’s prior sexual history if an exception does not apply).

L. Adjudication. Upon completion of the investigation, the Title IX Coordinator will compile the adjudication file which will be shared with the members of the Hearing Panel. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside of* the University’s education program or activity or against a person *outside of* the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the process described above in paragraphs J and K

concerning Access to Information. In cases involving allegations of Title IX Sexual Harassment, the written Notice of Determination will generally be received within twenty-five (25) calendar days from the date the live hearing concludes. In cases involving allegations of other forms of Sexual Misconduct, the written Notice of Determination will generally be received within twenty-five (25) calendar days from the date the Hearing Panel receives the Adjudication File. In some cases, more time may be required.

1. Hearing of Cases Involving Allegations of Title IX Sexual Harassment. Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel that will conduct a prompt, equitable and live hearing and make a determination regarding responsibility and, if appropriate, sanctions.

- (a) **Appointment of the Hearing Panel.** The Title IX Coordinator will designate a panel of three (3) adjudicators to serve as the Hearing Panel. One member of the Hearing Panel will serve as the Hearing Panel Chair. Generally, the Hearing Panel shall be chosen from a pool of qualified faculty and staff members. The University reserves the right to appoint any trained individuals who are without conflict or bias to a Hearing Panel. The Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in *Section VII.N - Conflicts of Interest*.
- (b) **Presumption and Burden of Proof.** The presumption is that the respondent is not responsible for a Policy violation. The respondent will be deemed responsible for a Policy violation only if (i) the Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct or (ii) the respondent admits responsibility for a Policy violation. If the respondent admits responsibility for a Policy violation or the Hearing Panel determines that the respondent is responsible for a Policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.
- (c) **Questioning the Other Party and Witnesses.** At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Hearing Panel shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- (d) **Questions Regarding Prior Sexual Conduct.** Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.
- (e) **Refusal to Answer Questions.** If a party or witness does not attend the hearing or is not willing to answer a relevant question from either the Hearing Panel or the other party's advisor, the Hearing Panel may nevertheless consider the weight, if any, to be given to any relevant statement of that party or witness in reaching a determination regarding responsibility.² The Hearing Panel, however, will not draw an inference concerning the determination of responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- (f) **Live Hearing Logistics.** The hearing will generally be held by videoconference with the parties, witnesses, and Hearing Panel located in separate locations and technology enabling the Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The University reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the University will provide for the parties to be located in separate rooms with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.
- (g) **Record of the Hearing.** The University will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review. The parties, their advisors, and witnesses are prohibited from making an audio or video recording or a transcript of all or any portion of the live hearing.
- (h) **University Appointed Advisors.** If a party does not have an advisor present at the live hearing, the University will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the University may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The University reserves the right to appoint any individual as the University deems appropriate to act as an advisor at a live hearing. The University's appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

² This provision is effective as to any determination regarding responsibility rendered by a Hearing Panel after August 24, 2021. It modifies a prior versions of the Policy that prohibited reliance on statements when a party or witness refused to answer questions on cross examination. The prior language was based upon a regulatory requirement of the U.S. Department of Education ("DOE") that has since been vacated by a federal district court and is no longer enforced by the DOE Office of Civil Rights. See Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, U.S. Department of Education, "Letter to Students, Educators, and Other Stakeholders re *Victim Rights Center et al. v. Cardona*," p.1 (August 24, 2021).

2. Cases Involving Allegations of Other Sexual Misconduct. Upon completion of the investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will designate appropriate adjudicators to complete a prompt and equitable adjudication.

- (a) **Appointment of the Hearing Panel.** Typically, a panel of three (3) adjudicators (the “Hearing Panel”) will be appointed to each case. Generally, the Hearing Panel members shall be chosen by the Title IX Coordinator from a pool of qualified faculty and staff, but the University reserves the right to appoint any trained Hearing Panel members who are free from conflict of interest or bias. If any party has a concern that a Hearing Panel member has a conflict of interest or bias, the party should report the concern in writing as indicated in *Section VII.N - Conflicts of Interest*.
- (b) **Review of the Evidence.** The Hearing Panel will review the Investigation Report and any Written Response Statements and Written Rebuttal Statements provided by the complainant and respondent after the parties' review of the preliminary Investigation Report. The Hearing Panel may, in its discretion, seek additional information from the investigator(s), the parties, or another individual, or request additional investigation by the investigator(s). In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that occurred *outside of* the education program or activity or against a person *outside of* the United States), if such information is shared with the Hearing Panel, the parties will be notified and provided access to that information. A hearing Panel may, but is not required, to convene a live hearing to receive testimony and other information. Any such live hearing shall be substantially conducted in accordance with the procedures set forth in the immediately preceding *Section IX.L.1(f) and (g) - Hearing of Cases Involving Allegations of Title IX Sexual Harassment*.
- (c) **Presumption and Burden of Proof.** The presumption is that the respondent is not responsible for a Policy violation. The respondent will be deemed responsible for a Policy violation only if (i) the Hearing Panel concludes that there is sufficient evidence, by a “preponderance of evidence,” to support a finding that the respondent engaged in Sexual Misconduct or (ii) the respondent admits responsibility for a Policy violation. If the Hearing Panel determines that the respondent is responsible for a Policy violation, it will then determine what sanctions and remedies are warranted.
- (d) **Discretionary Education and Training.** When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct - for example, inappropriate remarks actions that do not rise to the level of a violation of this Policy - the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

3. The Decision-Making Process. The presumption is that the respondent is not responsible for a Policy violation. The respondent will be deemed responsible for a Policy violation only if the Hearing Panel concludes that there is sufficient evidence, by a “preponderance of evidence,” to support a finding that the respondent is responsible for a Policy violation. If a respondent is determined to be responsible for a Policy violation, the Hearing Panel will then determine what sanctions and remedies are warranted. When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks or actions that do not rise to the level of a violation of this Policy—the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

4. Sanctions and Remedies. The Hearing Panel will impose sanctions and remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. The University reserves the right to take whatever measures it deems necessary in response to an allegation of Sexual Misconduct in order to protect the rights and personal safety of the complainant, students, faculty, staff, and other University community members. Not all forms of Sexual Misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions depending on the severity of the offense. The University may also impose different sanctions if the respondent has been found responsible for a violation of University policy previously. The Title IX Coordinator may, in his or her discretion, provide the Hearing Panel with information regarding any previous violations of this Policy or other University policies by the respondent. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that occurred outside of the education program or activity or against a person outside of the United States), if such information is shared with the

Hearing Panel, the parties will be notified and be provide access to that information. Individuals who are found responsible for violations of this Policy may be sanctioned as appropriate for students, employees, visitors, or others, including, but not limited to the sanctions described below. Any concern about a violation of an imposed sanction should be reported to the Title IX Coordinator. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct:

- (a) **Student Respondent Sanctions.** If a student respondent is determined to be responsible for a violation of this Policy, a range of sanctions may be imposed. Those sanctions include, but are not limited to: anger intervention assessment and counseling; participation in and completion of an abuse intervention program, that may include mental health counseling; restriction from some or all Samford property, programs or activities; community service; work assignments; written assignments; research assignments; fines; written warnings; suspension of privileges; no contact orders; parental notification; probation; residence hall expulsion; residence hall restriction; residence hall suspension; restitution; substance abuse intervention, education and treatment; training on Sexual Misconduct and appropriate interpersonal relationships; suspension from the university; expulsion from the university; and temporary or permanent withholding of a degree.
- (b) **Employee Respondent Sanctions.** If an employee respondent (faculty or staff) is determined to be responsible for a violation of this Policy, a range of sanctions may be imposed. Those sanctions include, but are not limited to: anger intervention assessment and counseling; participation in and completion of an abuse intervention program, that may include mental health counseling; restriction from some or all Samford property, programs or activities; community service; written warnings; no contact orders; restitution; substance abuse intervention, education and treatment; training on Sexual Misconduct and appropriate interpersonal relationships; suspension of employment without pay; and termination of employment.
- (c) **Other Respondent Sanctions.** Sexual Misconduct may be committed by persons who may have some association with Samford, such as a vendor, applicant, camp participant, delivery person, alumnus or visitor. All complaints against persons who are not students, faculty staff or other employees will be investigated by the Title IX Coordinator or the Title IX Coordinator's designee. Remedies shall be determined by the Title IX Coordinator, in consultation with the academic dean or head of the department responsible for or most closely associated with the person against whom the complaint is made. If the respondent has some business relationship with the University, the sanction may include revision or termination of such business relationship. If the Title IX Coordinator and the dean or head of the department do not agree, the remedy will be determined by the Title IX Coordinator in consultation with the Provost and the Vice President for Business and Financial Affairs.
- (d) **Campus Organization Sanctions.** When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, or staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of University privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of University facilities), educational requirements for organization members, additional oversight of organization activities, temporary loss of funding and loss of recognition by the University, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations and departments are responsible for the actions of their respective members when they are acting on behalf of the organization or department.

5. Remedies for the Complainant. Remedies for the complainant are designed to restore or preserve equal access to the University's education program or activity and restore the complainant's safety and well-being. Remedies may, but need not be disciplinary or punitive, and may impose a burden on the respondent. The Title IX Coordinator is responsible for the selection and effective implementation of any remedies, which may be long-term or permanent. The Title IX Coordinator will consider the appropriateness of remedies on an ongoing basis to assure the safety and well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any Supportive Measures or implementing additional measures tailored to achieve the goals of this Policy. Many of the remedies and supports that a complainant might need after a finding of responsibility will have already been provided as Supportive Measures on an ongoing basis to assure the safety and well-being of the parties throughout the process.

6. Notice of Determination. The complainant and respondent will simultaneously receive a written notice of the outcome of the formal complaint (the “Notice of Determination”). Prior to being provided the Notice of Determination, the parties and parties’ advisors will be required to sign a non-disclosure agreement. The parties and parties’ advisors are prohibited from disseminating or otherwise sharing the Notice of Determination with any other individual, except as permitted in the non-disclosure agreement. For formal complaints involving (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking occurring *outside of* an education program or activity or against a person *outside the* United States, the Notice of Determination shall include the following:

- (a) The allegations potentially constituting Sexual Misconduct;
- (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held);
- (c) Findings of fact supporting the determination;
- (d) Conclusions regarding the application of the University’s policy to the facts, and the determination regarding responsibility as to each allegation;
- (e) Any imposition of sanctions;
- (f) The rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied);
- (g) Whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant;
- (h) Any other steps the University has taken to eliminate the conduct and prevent its recurrence; and
- (i) Information about the procedures and permissible bases for appeal, and when the result becomes final.

For all other complaints of Sexual Misconduct, the Notice of Determination shall include the determination of the Title IX Hearing Panel or the Hearing Panel (together, the “Panels,” or singly, a “Panel”), as appropriate. The determination of a Panel may be appealed as provided in *Article X - Appeals*. In the event that no appeal is filed within the time periods prescribed in *Article X - Appeals*, the decision of the Panel will be final and the sanctions, if any, will be effective.

M. Dismissal of Formal Complaint Prior to Adjudication.

1. Mandatory Dismissal. If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment under this Policy, the University will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the University reserves the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

2. Discretionary Dismissal. In cases involving allegations of any Sexual Misconduct, the University may, at its discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication, include, but are not limited to: (i) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (ii) the respondent is no longer enrolled or employed by the University; or (iii) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

3. Notice of Dismissal. If the University dismisses a formal complaint, the University will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

X. APPEALS

The parties may appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in *Section IX.M - Dismissal of Formal Complaint Prior to Adjudication*. The parties may also appeal the decision of a Panel regarding responsibility or no responsibility for a violation of this Policy.

A. Grounds for Appeal. The grounds for appeals are limited to the following: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, investigator(s), or a Panel member had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. Submitting an Appeal. A party may request an appeal by submitting a written appeal statement (the "Appeal Statement"), not to exceed one thousand five hundred (1,500) words, challenging the outcome of the complaint resolution process. The Appeal Statement must explain which of the above grounds the party is invoking for the appeal and the Appeal Statement must be received by the Title IX Coordinator within seven (7) calendar days following the date that the Notice of Determination was sent to the complainant and respondent. While the parties may be assisted by their advisors in preparation of an appeal, the Appeal Statement must be submitted by the party requesting the appeal, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely Appeal Statement constitutes a waiver of any right to an appeal.

C. Review by the Title IX Coordinator. The Title IX Coordinator will review the Appeal Statement to determine whether it states a permissible ground for appeal, such that the appeal will be considered. The Title IX Coordinator may remove or redact any portions of the Appeal Statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

D. Response to an Appeal. If the Title IX Coordinator determines that the Appeal Statement sets forth a permissible ground for appeal, the non-appealing party will be notified of the appeal (the "Notice of Appeal") by the Title IX Coordinator and provided an opportunity to review the Appeal Statement and submit a written response in support of the outcome (the "Appeal Response"). An Appeal Response in support of the outcome described in the Notice of Determination or other Panel decision must not exceed one thousand five hundred (1,500) words and must be submitted to the Title IX Coordinator within seven (7) calendar days of receiving the Notice of Appeal. While a non-appealing party may be assisted by his or her advisor in preparation of the Appeal Response, the Appeal Response must be submitted by the non-appealing party, must be the non-appealing party's own statement, and may not be used to submit the statements of others on the non-appealing party's behalf. The Title IX Coordinator will review the Appeal Response and may remove or redact any portions of the Appeal Response that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

E. Compiling the Appeal File. The Title IX Coordinator generally will compile information concerning the case (the "Appeal File"), which may consist of any information, documents, or other evidence that is provided to the Appeal Panel. Such information shall include the Appeal Statement, the Appeal Response, the Notice of Determination, the Adjudication File in its entirety, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the Appeal Panel's decision, at the Title IX Coordinator's discretion.

F. Reviewing the Appeal File. For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside of* the education program or activity or against a person *outside of* the United States, the Appeal File will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a five (5) calendar day period for the complainant and respondent to have access to review the Appeal File and such access generally will be provided during normal business hours in a designated on-campus location. The Appeal File cannot be removed from that location, nor can copies be made or pictures taken of the contents. The parties and parties' advisors may use the Appeal File and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the Appeal File or additional information with any other individual. Prior to being provided access to the Appeal File or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

G. The Appeal Panel. The parties shall receive written notice of the appeal panel appointed to rule on the appeal (the "Appeal Panel"). Generally, the Appeal Panel will consist of three (3) adjudicators chosen from a pool of qualified faculty and staff members who are listed annually on the Title IX page of the University website, but the University reserves the right to appoint any trained Panel members who are free from conflict of interest or bias. If any party has a concern that an Appeal Panel member has a conflict of interest or bias, the party should report the concern in writing as indicated in *Section VIII.N - Conflicts of Interest*. The Appeal Panel members may not be one of the Panel members, the investigator, or the Title IX Coordinator on the same matter.

H. Consideration of an Appeal. The Appeal Panel will not rehear the case but will review the Appeal File and consider whether it is more likely than not that one of the above-listed grounds for appeal have been satisfied. If at least two (2) of the members of the Appeal Panel determine there is sufficient evidence to conclude that it is more likely than not that one of the above grounds for appeal is satisfied, the matter may be remanded for further investigation, further deliberations by the Panel, and/or an additional live hearing, as determined by the Appeal Panel. When the matter is remanded, the Appeal Panel will determine whether the matter should be remanded to the original Panel or whether a new Panel should review the matter. The Appeal Panel may not change the Panel's determination of whether the respondent was responsible or not responsible for a Policy violation. Only the Panel reviewing the matter on remand from an appeal may change the determination of the original Panel of whether the respondent was responsible or not responsible for a Policy violation. If the reasons for remand relate to the investigation or warrant additional investigation, the Appeal Panel will determine whether the matter should be remanded to the previous investigator(s) or whether a new investigator(s) should be appointed.

I. Process for Remanded Matters. If a matter is remanded by an Appeal Panel, the investigator and/or Panel shall utilize the same process as required for all complaint processes under this Policy. The determination made on remand will be appealable under the procedures discussed in this Section.

J. Process for Affirmed Matters. If the Appeal Panel determines that there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the Appeal Panel will dismiss the appeal. This decision is final and is not appealable. If the Appeal Panel dismisses the appeal, any sanctions determined by the Panel will be effective on the date the Appeal Panel's decision is provided to the parties.

K. Written Decision of Appeal Panel. The Title IX Coordinator will simultaneously issue to the parties a written decision of the Appeal Panel describing the result of the appeal and the Appeal Panel's rationale for the result. The University will strive to complete the appeal within twenty (20) calendar days following the Appeal Panel's receipt of the Appeal File from the Title IX Coordinator; however, in some cases, more time may be required.

L. Exclusive Appeals Process. Appeals arising out of alleged violations of this Policy must be made under this appeal process and are not eligible for consideration under any other faculty, staff or student grievance policies or processes.

XI. RECORDKEEPING RELATING TO SEXUAL MISCONDUCT

A. Record Retention Generally. The Title IX Coordinator is responsible for maintaining the official University records of Sexual Misconduct reports and formal complaints. When a formal complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal complaint will be provided to the Title IX Coordinator, who will maintain such records in accordance with the University's record retention requirements and applicable law. Records related to Sexual Misconduct reports and formal complaints will be treated as confidential and shared only on a need-to-know basis, as required by law, or to conduct a complaint resolution process.

B. Retention of Certain Records. Notwithstanding the generality of the preceding paragraph A or any University record retention or destruction policy, the University shall maintain, for seven (7) years from the conclusion of a matter, all records concerning any of the following: each Title IX Sexual Harassment investigation (including any determination regarding responsibility, recording/transcript of the hearing, disciplinary sanctions imposed, and remedies provided); any appeal and its result; any informal resolution and results; all training materials for the University's Title IX personnel; actions taken in response to a report or formal complaint (including supportive measures); the basis for any conclusion that the response of the University was not deliberately indifferent (including if no supportive measures were provided – why that was not clearly unreasonably in light of the known circumstances); and documentation of measures taken by the University intended to restore or preserve equal access to the education program or activity.

XII. PROHIBITED RELATIONSHIPS BY PERSONS IN AUTHORITY

A. Prohibited Relationships. The employee (faculty and staff) to student relationship is one of trust. A University employee has the professional responsibilities to serve as a mentor, educator, and evaluator for students. Employee-student romantic and/or sexual attention, interaction, or relationships, even mutually consenting ones, interfere with a student's unfettered pursuit of learning and the integrity of the academic and workplace environment. Consensual relationships are defined in the university Consensual Relationship Policy as a romantic and/or sexual relationship to which both parties have given their consent. As between University employees and undergraduate students, consensual relationships are prohibited. University employees are prohibited from engaging in consensual relationships with graduate students with whom such employee has an academic or supervisory relationship. It is a violation of the Consensual Relationship Policy for an employee to pursue or attempt to initiate a consensual relationship with a student if such a consensual relationship would be prohibited by the Consensual Relationship Policy.

B. Disclosure of Certain Consensual Relationships. If an ongoing consensual relationship began when both parties were undergraduate or graduate students and one of the parties thereafter becomes a University employee, such a consensual relationship should be disclosed by the employee at the time of employment, but is not prohibited unless the employee is in a position to directly impact the academic or professional status or development of the student, either currently or afterwards. Such an employee may not be defended or indemnified by the University if difficulties in the relationship arise, including, student claims of Sexual Misconduct against Samford or the employee.

C. Employees Must Read and be Familiar with Consensual Relationship Policy. Consensual relationships are addressed in the Consensual Relationship Policy designated in the Faculty Policy Handbook as Policy C3.5 and in the Staff Policy Handbook as Policy 6.20. All University employees must read and be familiar with that policy. A violation of the Consensual Relationship Policy may subject an employee to disciplinary action, up to and including termination of employment. Questions by faculty about the Consensual Relationship Policy should be directed to the Senior Associate Provost. Other employees should make their inquiry to the Director of Human Resources.

XIII. POLICY REVIEW; AMENDMENTS

A. Annual Review. The University, through a working group that will include the Title IX Coordinator, the General Counsel, the Deputy Title IX Coordinators, the Provost and Vice President for Academic Affairs, the Vice President for Business and Financial Affairs, the Vice President of Student Affairs, and the Director of Athletics, will review and propose updates to this Policy, as appropriate, no less than annually. The University will evaluate, among other things, any changes in legal requirements and existing University resources.

B. Amendments. Amendments to Article I.A of this Policy must be approved by the University Board of Trustees. Other amendments of this Policy, including changes in procedures, may be made by a majority vote of the working group described in the preceding paragraph A when the change will not modify the Policy set forth in Article I.A of this Policy, as determined by the University General Counsel or other legal counsel advising the University. Non-substantive amendments, such as, but not limited to, changes of the names of specific individuals, addresses, email addresses, telephone numbers, emergency and community resources, technical corrections, or typographical errors may be made from time to time by the Title IX Coordinator with the approval of the General Counsel.

Original Effective Date: August 14, 2020
First Revision Effective Date: August 23, 2021 Second
Revision Effective Date: January 10, 2022

XIV. RESOURCES.

Below is a non-exclusive list of available resources:

- Sexual Assault, Dating/ Domestic Violence, and Stalking Rape Response (24-Hour Assistance) (205) 323-7273 or (800) 656-HOPE
- University Counseling Services: (205) 726-4083
- National Suicide Hotline: (800) 273-8255
- Samford Department of Human Resources: (205) 726-2809
- Samford Office of Diversity and Intercultural Initiatives: (205) 726-2725
- University Health Services: (205) 726-2835
- St. Vincent's Hospital Emergency Department: (205) 212-6001
- Brookwood Baptist Medical Center Emergency Department: (205) 877-1000
- Samford Department of Public Safety: (205) 726-2020
- Samford Office of Disability Resources: (205) 726-4078
- City of Homewood Police Department: (205) 332-6200 (non-emergency)
- Jefferson County Sheriff Office: (205) 325-1450
- Samford Student Conduct Coordinator & Title IX Coordinator Ms. Lisa Overton: (205) 726-2764
- Samford Title IX Deputy Coordinator Ms. Michelle Durban: (205) 726-4562
- Samford Title IX Deputy Coordinator Mr. Joel Windham: (205) 726-2837
- Samford Title IX Deputy Coordinator Dr. Monique Witherspoon: (205) 726-4456
- University Minister Rev. Bobby Gatlin: (205) 726-4538
- To submit a complaint with the US Department of Education Office of Civil Rights, visit the OCR webpage: ed.gov/OCR

APPENDIX D

Fire Safety Equipment Inspection Report

Type	Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Device	Audio and/or Visual Devices Present	Evacuation Plans and/or Placards	# of Fire Drills per year
Res	Pittman	X	N/A	X	X	X	X	N/A	2
Res	Smith	X	N/A	X	X	X	X	N/A	2
Res	Vail	X	N/A	X	X	X	X	N/A	2
Res	Dwight	X	N/A	X	X	X	X	N/A	2
Res	Ethel	X	N/A	X	X	X	X	N/A	2
Res	Evergreen	X	N/A	X	X	X	X	N/A	2
Res	James	X	N/A	X	X	X	X	N/A	2
Res	Lucille	X	N/A	X	X	X	X	N/A	2
Res	Luther	X	N/A	X	X	X	X	N/A	2
Res	Malcolm	X	N/A	X	X	X	X	N/A	2
Res	Marvin	X	N/A	X	X	X	X	N/A	2
Res	Orlean	X	N/A	X	X	X	X	N/A	2
Res	Ralph	X	N/A	X	X	X	X	N/A	2
Res	Rosa	X	N/A	X	X	X	X	N/A	2
Res	Treetop	X	N/A	X	X	X	X	N/A	2
Res	Wesley	X	N/A	X	X	X	X	N/A	2
Sor.	ADPi	X	N/A	X	X	X	X	N/A	2
Sor.	Chi Omega	X	N/A	X	X	X	X	N/A	2
Res	Mtnview	X	N/A	X	X	X	X	N/A	2
Sor.	Phi Mu	X	N/A	X	X	X	X	N/A	2
Frat.	Sigma Chi	X	N/A	X	X	X	X	N/A	2
Frat.	Sigma Nu	X	N/A	X	X	X	X	N/A	2
Res	Student Apts	X	N/A	N/A	X	X	N/A	N/A	2
Res	WV 100	X	N/A	X	X	X	X	N/A	2
Res	Thorne	X	N/A	X	X	X	X	N/A	2
Res	WV 300	X	N/A	X	X	X	X	N/A	2
Sor.	Zeta	X	N/A	X	X	X	X	N/A	2
Sor.	Tri Delta	X	N/A	X	X	X	X	N/A	2
House	Holley House	X	N/A	N/A	X	X	N/A	N/A	N/A
House	530 Currie Way	N/A	N/A	N/A	X	X	N/A	N/A	N/A
Priv.	Pi Kappa	N/A	N/A	N/A	X	X	N/A	N/A	N/A
Res	Theta Alpha	N/A	N/A	N/A	X	X	N/A	N/A	2



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